constituencies and populations for approval of farm policies which are fair and equitable.

This is why I am taking advantage of every opportunity to present the picture to city people and to ask their understanding and cooperation. I am here today because I want your help—the help of you people in the plant food industry—in delivering the message. I want you to help me tell the people in the cities that all of us will suffer, if we fail to understand the work, the problems and the needs of agriculture.

I know you will help me tell the country that this is a land of plenty and that we want to keep it that way.

SENATE

FRIDAY, JUNE 16, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, who art the hope of all the ends of the earth and the light of all our seeing, help us who grope in the darkness of earth's dim ways to remember that even the shadows themselves are born of light.

Thou hast made us in Thine image and likeness and hast implanted within us desires which the material world can never satisfy. We are conscious that Thou needest no sacrifice our hands can bring nor any offering our lips can frame; but because we live in Thy world and share Thy bounty, because we breathe Thine air and Thy power sustains us, because Thy goodness preserves us and Thy love blesses us continually, we praise and magnify Thy glorious name.

Create within us a clean heart. Renew within us a right spirit. Lead us, in the stress and strain of this new day, to the sources of strength and victory, to the green pastures and still waters of Thine enabling grace.

For Thy name's sake. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on June 14, 1967, the President had approved and signed the following acts:

S. 65. An act for the relief of Dr. Miguel Alberto Rojas-Machado;

S. 130. An act for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo;

S. 131. An act for the relief of Dr. Julio Valdes-Rodriguez;

S. 133. An act for the relief of Dr. Hector Jesus Sanchez-Hernandez;

S. 134. An act for the relief of Dr. Rafael A. Penalver;

S. 135. An act for the relief of Dr. Hilario Anido-Fragulo;

S. 165. An act for the relief of Dr. Ramon Baez Hernandez;

S. 167. An act for the relief of Dr. Anselmo S. Alvarez-Gomez;

S. 173. An act for the relief of Dr. Luis G. Dediot;

S. 175. An act for the relief of Dr. Sherif Shafey;

S. 439. An act for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo); and

S. 501. An act for the relief of Dr. Fernando O. Garcia-Hernandez.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 81) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Manne; and

H.R. 4445. An act for the relief of Aurex Corp.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Wednesday, June 14, 1967, and Thursday, June 15, 1967, was approved.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 144 Leg.]

Aiken	Carlson	Fulbright
Allott	Case	Gore
Anderson	Church	Griffin
Baker	Clark	Gruening
Bartlett	Cooper	Hansen
Bayh	Cotton	Hart
Bennett	Curtis	Hartke
Bible	Dirksen	Hatfield
Boggs	Dodd	Hayden
Brewster	Dominick	Hickenlooper
Brooke	Eastland	Hill
Burdick	Ellender	Holland
Byrd, Va.	Ervin	Hollings
Byrd, W. Va.	Fannin	Hruska
Cannon	Fong	Jackson
Javits	Monroney	Russell
Jordan, Idaho	Montoya	Scott
Kennedy, Mass.	Morse	Smathers
Kennedy, N.Y.	Morton	Smith
Kuchel	Moss	Sparkman
Lausche	Mundt	Spong
Long, Mo.	Murphy	Stennis
Long, La.	Muskie	Symington
Magnuson	Nelson	Talmadge
Mansfield	Pastore	Thurmond
McClellan	Pearson	Tower
McGee	Pell	Tydings
McGovern	Percy	Williams, N.J.
McIntyre	Prouty	Williams, Del.
Metcalf	Proxmire	Yarborough
Miller	Randolph	Young, N. Dak.
Mondale	Ribicoff	Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

I also announce that the Senator from Oklahoma [Mr. HARRIS] and the Senator from Minnesota [Mr. MCCARTHY], are necessarily absent.

The PRESIDING OFFICER (Mr. MONDALE in the chair). A quorum is present.

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator THOMAS J. DODD.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana [Mr. LONG] not be recognized at this time but that he be recognized immediately following the remarks to be made by the distinguished Senator from Iowa [Mr. MILLER].

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Iowa [Mr. MILLER] may be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, without having this request taken from my time, I ask unanimous consent that the Senator from Connecticut [Mr. DODD] be recognized for a brief statement before I go into my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to direct my remarks to the majority leader and to the minority leader, as well.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. DODD. Mr. President, I had stated to the Presiding Officer that I want particularly to address my remarks to the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

majority leader and the minority leader. I know that it has been agreed we would meet tomorrow, Saturday. I have been up nearly every night, sometimes almost all night, the last few days. I do not know how far we will get today, but I would appreciate it if I could have some time over the weekend, particularly tomorrow, to prepare myself for what I hope will be my final plea or speech to the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

ORDER FOR RECESS UNTIL MONDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Connecticut has broached this question with the joint leadership. We will, of course, abide by the Senator's desire and not meet tomorrow. We understand the difficulties under which the Senator has been laboring. We would hope that the Senate would understand the reason for modifying the previous announcement and for announcing now that there will not be a Saturday session.

Mr. President, I ask unanimous consent at this time that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next and that the previous recess order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I am thoroughly sensible of the fact that the distinguished Senator from Connecticut has actually been his own defense counsel here for 3 days, and it is a very considerable chore to keep himself prepared from day to day. It is assumed, of course, that he probably will have some final remarks to address to the Senate and those he cannot take off the top of his head. He has to have time to meditate and make preparation.

I concur in the action of the majority leader in vacating the order, so that there will be time for the Senator from Connecticut to finalize his defense. I am glad to assent to that request.

Mr. MILLER. Mr. President, at this stage of the proceeding, there are certain points which concern me and which, I believe, probably concern a number of my colleagues. In fairness, I think they should be stated now in order to give the Senator from Connecticut and the Senator from Louisiana, and also the members of the Ethics Committee, an opportunity to comment on them.

First, I believe the chairman of the committee has made it clear that we are not deliberating the ethics of testimonial and campaign fund events, as such. Rather, we are deliberating the use of the proceeds or some of the proceeds from these events, taking into account all of the circumstances surrounding them, and the committee's conclusion that in the case before us there was an adverse impact on the public trust and confidence which has cast an unfavorable reflection on the Senate as a whole. In this connection, it appears that this is not a question of shaking the public trust and confidence of the people of Connecticut, but rather of public confidence of the country as a whole.

Mr. LAUSCHE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The Senate will be in order.

Mr. MILLER. Mr. President, second, the defense has been raised that the personal use of money raised at these events is commonplace and generally understood in the State of Connecticut. It would seem, however, that, assuming this proposition to be true, such personal use might not be generally understood in all or most of the other States. Accordingly, it would seem that we are faced with a proposition of whether—assuming, as I said, the fact is that such use of money has been generally understood in the State of Connecticut—whether the ethical standards of one State shall be permitted to set the standards for all of the other States. In this connection, a related question would be whether the ethical standards in one congressional district are to set the pattern for all of the other congressional districts of the country.

Third, from what I have said, it would seem that the word of our colleague is not necessarily called into question. He has stated on this floor that he genuinely believed he had a right to use the funds from these fundraising events for his own personal use. But the mere fact that he so believed does not necessarily mean that such use of the money has not reflected unfavorably on the Senate. It seems that we must satisfy ourselves on the proposition whether or not public opinion in each of our States is bound to condone the use of $28,000 for payment of income tax and some $9,400 for extensive repairs on a personal home, for example, just because our colleague genuinely believed this was proper and just because such use is regarded as proper by the general public of the State of Connecticut in general and a large proportion of those who made donations in particular.

Fourth, it has been alleged that the dinner sponsors understood that personal use of the money would be one of the results. However, this does not substantiate the allegation that the general public of the State of Connecticut had such an understanding, especially in light of the press reports covering the events. And by the "general public," I am not referring to those making donations, but to the general voting public. We must ask ourselves whether it is good for the reputation of the Senate to permit the general voting public to believe that there is a campaign fund activity when, in point of fact, there was a substantial use of the funds to pay income taxes and pay for repairs on a personal home. We must ask ourselves whether it is harmful to the Senate's reputation for solicitation letters to be mailed out, referring to a campaign deficit, with the solicitor and the officeholder himself believing that such personal use of some of the proceeds is proper.

Fifth, the indebtedness of $150,000 which our colleague found himself saddled with as a result of the 1956 and 1958 campaigns may explain what was done, but would it necessarily excuse what was done? We must ask ourselves whether, if this should excuse what was done, it would place a stamp of approval on what would appear to be rather flagrant personal fiscal irresponsibility. Would we, in effect, be saying to opposing candidates for political office that winning an election overrides considerations of cost, the bankruptcy of a family, the possibility of being plagued with debts and temptations while serving in office. And, I think it might be recognized that if one of the two opposing candidates refuses to follow such a "Win at any price" philosophy he is likely to lose.

Sixth, as was brought out quite clearly yesterday, this does not seem to be only a question of legality or illegality, nor of rules and regulations or the lack of rules and regulations. Indeed, that is why this case was referred to the Ethics Committee in the first place.

Seventh, a point has been made by the committee that our colleague followed the advice of his accountant in treating $6,000 used for income tax payments on one occasion as a loan from the campaign fund in the face of his contention that he thought he had a right to use the money as he saw fit. However, it would seem that this could be regarded as action resulting from income tax advice on a very technical point of tax law, standing as an isolated transaction, and, therefore, would not necessarily rebut the credibility of our colleague. Moreover, as I have previously pointed out, this is not necessarily a case of credibility.

Finally, what I have been saying relates to the first charge. With respect to the second charge of double billing, I find it difficult to understand why the committee did not appear to take into account as an offset the nonreimbursed trip expenses. I would appreciate a comment on this point. Moreover, the defense has been that this charge seems to rise or fall on whether to believe our colleague or to believe one of his discredited former employees. If this is an erroneous issue, I would appreciate a comment on this point, too.

Mr. President, this is a deeply troublesome and embarrassing situation for each of us. Each of us has no other motivation than to do what is right—not only what is right for the individual concerned, but what is right for the Senate itself. I have stated these concerns with a view to giving anyone here present an opportunity to comment—one way or the other—on the points I have stated, because I believe they are relevant points which will enter into our final deliberation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, I will be engaged for some time today in discussing the Tom Dodd case. I believe this is my first speech on the subject. I believe that I understand the case of TOM DODD better than TOM DODD understands the case of TOM DODD, because I have had the benefit of some experience, some knowledge, an earlier beginning, and an earlier contact with it. I have watched the whole thing unfold.

Even then, having seen all this happen and read all the columns, most of which I disdained to read in the morning newspapers because they were so very inaccurate and represented such distortions of the actual facts, much of this distortion being to my personal knowledge.

I detected, I would say, within 1 week of the day, that TOM DODD might have done something for which the Senate would be required at least to forgive him or overlook on some basis, or if we were to find other than a censure, an admonition, or some sort of punishment which would injure this man's chance to continue to serve with us in this body.

As one who knows facts which the committee does not know, who knows more about it than the committee knows, who knows the theory on which the committee proceeded, which is completely different from the facts, I believe the Senate will see the complete relevance of certain evidence which was available to the committee, which the committee, for a very good reason, was not inclined to hear.

I am going to be as charitable as possible about this. I am not going to talk about anything, if I can avoid it, that should not be talked about.

First, Mr. President, I ask unanimous consent to have printed in the RECORD the brief in support of a substitute for Senate Resolution 112.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

BRIEF IN SUPPORT OF A SUBSTITUTE FOR SENATE RESOLUTION 112, IN THE MATTER OF THE HONORABLE THOMAS J. DODD, U.S. SENATOR FROM CONNECTICUT

(Submitted by RUSSELL B. LONG, U.S. Senator; Eberhard P. Deutsch, New Orleans, of counsel)

To the Members of the U.S. Senate:

The within brief sets forth the facts and the law in the matter of the investigation of Senator Thomas J. Dodd of Connecticut, by the Select Committee on Standards and Conduct. It is supported largely by verbatim quotations from the sworn testimony in the record of the hearings (with page references) held by the Committee, and also, to some extent, by quotations from applicable opinions of the Supreme Court of the United States.

Its purposes is simply to set forth, concisely and as clearly as possible, in fair perspective, the background of the case for Senator Dodd, and the underlying reasons why he should not be censured by the Senate.

In January 1966, a syndicated series of newspaper columns by Drew Pearson began appearing, reflecting on the character of Senator Thomas J. Dodd of Connecticut, and charging him with the commission of a number of irregularities in his conduct as a United States Senator.

Senator Dodd thereupon requested an investigation by the Senate Select Committee on Standards and Conduct, which resulted, ultimately, in a report, rendered April 27, 1967, recommending censure of Senator Dodd on two of the several grounds on which the charges against him had been based.

USE OF TESTIMONIAL FUNDS

From 1956 to 1958, Senator Dodd had been campaigning for nomination by the Democratic Party as its candidate for, and then for election to, the Senate from Connecticut. Both campaigns were successful.

At the inception of his campaigns, the Senator was a man of very modest means; and after the campaigns, he found himself heavily in debt. Both his personal and his political friends were fully aware of his financial predicament, which grew steadily worse with accumulating charges during his early years in office.

A group of these friends conceived the idea, during 1961, of giving a testimonial dinner for Senator Dodd in Hartford, to raise funds to relieve the pressure of his debts, and to release him from the stresses of his financial problems.

The dinner was given in November 1961, just half-way through his first term in the Senate, with no immediate campaign problem before him.

The Honorary Chairman of the dinner was Governor Dempsey of Connecticut; the General Chairman was Mr. Matthew M. Moriarty, a businessman of Manchester; and the Treasurer was Mr. Arthur B. Powers, another businessman, and the Selectman of Berlin, Connecticut (Hearings *618, 633*).[1]

The dinner was given, as stated expressly in a letter sent out by Treasurer Powers, as "a non-partisan tribute" (*H–635*), and the principal guests of honor were announced as being Vice President Lyndon B. Johnson and Senator Styles Bridges, the Senior Republican member of the Senate (*H–634*).

Selling of the tickets and raising of the funds were handled by Senator Dodd's personal friends and political associates; and the detailed work and arrangements for the dinner were carried out primarily by members of the Senator's staff.

Two years later, in 1963, a fund-raising reception was given, somewhat similarly, in Washington for Senator Dodd. Its Honorary Chairman was former Postmaster General J. Edward Day, and the Treasurer was Sanford Bomstein, a Washington business man (*H–648*). A professional fund-raiser, Robert Shaine, was employed to solicit funds for the reception (*H–667*).

No statement was made as to the purpose for which the funds were being raised, but after the reception a resolution was adopted by the Reception Committee, authorizing payment, in general terms, of Senator Dodd's bills for "printing, travel, food and lodging," as well as for "any activity pertinent to public relations for Senator Dodd, such as radio or television time" (*H–899*).

Mr. Bomstein, who signed this resolution with Judge Gartland, testified that the sense of the resolution was to turn over the funds "to Senator Dodd for any purpose" (*H–656*); and that it was common knowledge that Senator Dodd had a large "previous backlog of debts" (*H–656*), and that it was considered by all concerned that the funds raised at the reception "could be used for most anything" (*H–656*).

During the following month, on October 26, 1963, four more fund-raising events were held. These were a breakfast in Hartford, a luncheon in Woodbridge, a reception in Fairfield and a dinner in Bridgeport.

Vice President Lyndon B. Johnson was the guest of honor at each of these functions (*H–903, 913–927*). Mr. Moriarty was the Treasurer of the breakfast (*H–620*) and the details were arranged by Mr. Edward Sullivan of Senator Dodd's office staff (*H–1120*). No statement was made as to the purpose for which the funds were being raised. The same is true of the Woodbridge luncheon, managed by Judge Gartland (*H–605*) and held at the home of State Senator Gloria Schaeffer (*H–856*).

Mr. Paul McNamara, a prominent Bridgeport attorney who had been Senator Dodd's campaign manager in 1958, managed both the Fairfield reception, held at the home of Mr. Archie Perry, and the Bridgeport dinner, held at the Stratfield Motor Inn (*H–681*).

Two letters of solicitation sent out by Mr. McNamara both stressed the need, and announced the purpose of the events as being, to raise funds for Senator Dodd's 1964 reelection campaign; but Mr. McNamara testified that he "wasn't hesitant about telling the people on the telephone that the Senator had dire financial problems, and was heavily in debt," and that he would like to see him "get out in the clear" (*H–682*).

After Senator Dodd's 1964 successful campaign for re-election, another fund-raising dinner was given for him at the Statler-Hilton Hotel in Hartford. The guest of honor was Vice-President Hubert H. Humphrey. The Chairman of the dinner was Mr. Arthur T. Barbieri, a businessman of New Haven and Democratic Town Chairman of that City. Mr. Moriarty was again the Treasurer of the dinner, and Mr. Sullivan again managed the details of the function.

A first solicitation letter sent out by Mr. Barbieri in connection with the dinner, gave its purpose as being to "assist in meeting the campaign deficit (*H–970*). A second letter, while referring to the first, made no mention of the purpose to which the funds raised at the dinner were to be put (*H–1118*); but Messrs. Barbieri, Moriarty and Sullivan all testified unequivocally that the funds were being raised for Senator Dodd's personal use.

There can be no question that the funds from all of the functions were turned over to Senator Dodd, and that some of them were actually used by him to defray what might ordinarily be considered his personal, as distinguished from his political, debts and expenses.

But Senator Dodd's debts were largely the accumulation of purely political expenses which he expected to recoup from the proceeds of "testimonial" functions, as in the recognized and accepted practice in Connecticut. As explained by the Senator, if he hadn't been "battling for that nomination, I wouldn't have needed that money . . ." (*H–821*).

And there can be no question that there is rarely a clearly defined line between personal and political expenses for persons in political life. As stated by Senator Dodd, "my life for eleven years has been so political that it has been almost nothing else"; and "all my living matters were political . . . with very rare exceptions" (*H–820*). The Senator frequently referred to the use of the funds raised as described, to liquidate his "personal political obligations" (*H–835, 822, 824*), and his "political personal debts" (*H–836*).

In furtherance of Senator Dodd's position as so expressed by him, even Mr. O'Hare, whose treasonous conduct toward the Senator made available to Drew Pearson from the Senator's locked files the material for the columns which detonated the Select Committee's investigation, conceded that at one point Senator Dodd had instructed him "specifically" that the only "types of bills" he was to send to Mr. Sullivan for payment out of the Hartford "Testimonial" fund were such as "could be related in any way to the campaign" (*H–739*); and then, typically, Mr. O'Hare testified that nevertheless, in his "own mind at the time (he did) feel that some of these bills were inappropriate for payment by Mr. Sullivan out of the campaign account."

Mr. O'Hare charged Senator Dodd with having resorted to a number of devious

[1] References hereafter preceded by "H" are to pages of the Hearings before the Select Committee. References preceded by "R" are to pages of the Committee Report (No. 193).

transactions to conceal the fact that he was using the proceeds of the fund-raising affairs to meet his purely personal obligations. Some of these matters are so petty and really silly as to be unworthy of detailed explanation.

For instance, Mr. O'Hare testified that the Senator, who has insisted throughout that these funds were available to him for any purpose, was seeking a means to avoid disclosing their use to pay his bills, and that he accordingly approved Mr. O'Hare's own suggestion that he "purchase money orders" from the Union Trust Company with a check drawn on that bank, "in the amounts of the accounts which were to be paid, and then fill them out later, and the payee would have no knowledge of which account the money was actually drawn" (*H–734*).

Senator Dodd not only denied that he had approved any such transaction, but testified that he had never heard of it until the Committee hearings. He said that nothing "could be more damaging to me than to be paying my bills in money orders. I am embarrassed now to think that people got money orders." (*H–841*). The Select Committee summarized this evidence in its findings (*R–16*).

According to the testimony of Mr. O'Hare, Senator Dodd, being, in October of 1963, "under great pressure from the Internal Revenue Service for payment of his taxes," Mr. O'Hare "volunteered that perhaps I could loan him $6,000 from the D.C. Committee (testimonal fund) . . . and then he could arrange to pay it back. . . . He agreed to this, and this, in effect, was how it came about" (*H–736–737*).

In a stipulation between the Select Committee and Senator Dodd, it is agreed that in October 1963, an amount of $6000 was transferred from the D.C. Committee account to the personal account of the Senator at the Riggs National Bank in Washington, and that "David Nichols, a Certified Public Accountant employed to audit the affairs of Senator Dodd for the purpose of preparing his Federal income tax return, informed Senator Dodd in early 1964 that the $6000 . . . should be treated as a loan from a campaign fund" (*H–856*), and that Senator Dodd then agreed.

The amount was repaid a month later into a different testimonial fund account. Senator Dodd submitted that this repayment "through another testimonial fund . . . in itself does not make much sense" (*H-826*), since he saw no reason for handling the matter as a loan in the first instance. Mr. Sullivan had said to him, "What in the world did you do that for, it's your own money"; but explained Senator Dodd, "generally, when an accountant comes and tells me something, I say all right, that is all right with me. That is what I think happened" (*H-825*).

The Select Committee concluded that "from the circumstances of all of the fund-raising events, including the exclusive control of the funds by members of Senator Dodd's staff, the extensive participation by members of Senator Dodd's staff, the close political relationship between Senator Dodd and the sponsors of the fund-raising events, the preoccupation of the organizers with Senator Dodd's apparently political indebtedness, and the partisan political nature of the printed program," Senator Dodd's knowledge of restriction of the right to use of the funds for political purposes must be presumed (*R–24*).

The entire record of the hearings, in the first place, is replete with evidence that Michael O'Hare, the principal prosecuting witness against Senator Dodd, was the faithless member of his staff who handled all of his personal financial affairs. He insisted throughout that he acted on the Senator's instructions as to payment of his personal bills.

How, then, can it be said in fairness, that despite the fact that a member of Senator Dodd's staff had control of all of his personal funds, "the exclusive control of the funds by members of Senator Dodd's staff" is an indicium of the "political character" of the funds?

While it is true that none of the written invitations to the fund-raising functions stated expressly "that the funds were to be used for personal purposes" (*R–26*), it must be remembered that the first of these affairs, the 1961 dinner, was clearly stated in writing to be "a non-partisan tribute"; that it was held three years after Senator Dodd's election campaign in 1958, and three years before his re-election campaign in 1964; and that, among the invited guests of honor was the Senior Republican member of the Senate—the Honorable Styles Bridges of New Hampshire—despite the Committee's reference to "the close political relationship between Senator Dodd and the sponsors" of the event (*H–885*).

While, as stated, it is true as found by the Select Committee that "not one solicitation letter . . . or other written communication informed the public that the funds were to be used for personal purposes" (*R–26*), Mr. McNamara, who managed the Fairfield reception and the Bridgeport dinner in October 1963, testified as noted above, and he "wasn't hesitant about telling the people on the telephone that the Senator had dire financial problems, and was heavily in debt," and that he would like to see him "get out in the clear" (*H–682*).

All of the gentlemen who were principal participants in the fund-raising functions for Senator Dodd testified unequivocally, that it was generally understood by all concerned, including practically all of the contributors, that the funds being raised were for the purpose of enabling the Senator to relieve himself of his strictly personal financial obligations, as well as the deficits incurred by him in his prior campaigns (*H–619, 635, 656, 682, 691*).

Whatever the written invitations to the various events may have said, or may have failed to say, not a single witness—and there were some ten who testified on the subject (omitting the faithless defectors)—testified that the funds being raised were not to be used for liquidation of Senator Dodd's personal bills.

It would seem to be unnecessary to detail all of the affirmative testimony to this effect, but some of it is given as illustrative, and, to all practical intents and purposes, conclusive.

Mr. Arthur T. Barbieri, chairman of the 1965 dinner, testified that it was conceived by Judge Gartland and himself (*H–689*); that the framing of the original letter of invitation referring to a campaign deficit, was merely drawn as he "thought proper" (*H–695*), although he had "always been aware of the financial straits that the Senator has been in over the years" (*H–695*); that the purpose of the dinner was "to raise money for the Senator so that he could use it to pay his obligations" (*H–695*).

Mr. Barbieri explained frankly that he understood fully that "people in public life have expenses far above and beyond what they can actually take care of out of their salaries" (*H–698*); and that, in the last analysis, it was entirely obvious that with a deficit of only $6,000 from the 1964 campaign, and more than ten times that amount being raised by the 1965 testimonial dinner, there couldn't really be any question as to the purpose of the over-plus, since, as the Chairman of the Select Committee himself said, "you knew all the time this thing was snowballing moneywise and was far beyond anything . . . that the deficit would be" (*H–696*).

And Mr. Barbieri testified further that he had discussed "in detail" with the members of the dinner committee "what would be done with the proceeds of the dinner"; that "the committee was expanded from 20 or 25 up to . . . 75 or 100 or maybe more, and they were all aware of the purpose of the dinner, and they were all in complete agreement that it was to be given to the Senator to do with as he saw fit" (*H–695–697*).

Mr. Sanford Bomstein, treasurer of the "1963 D.C. Reception" (*R–15*), testified that it was started by a "a group of friends of Senator Dodd" (*H–648*), and that "the purpose of the thing was to turn over some funds from a testimonial to Senator Dodd for any purpose that he so desired" since "everybody was cognizant of the fact that Senator Dodd had great debts pertaining to a previous backlog of debts, and we felt that these funds should be used or could be used for most anything" (*H–656*).

Mr. Sullivan testified that the 1961 dinner in Hartford was "inaugurated from different friends (of Senator Dodd) that knew his financial position and wanted to help him out" (*H–1119*); that "at the time the dinner was first conceived", its purpose was "to give to Senator Dodd, personally, financial help to eliminate his debts", including the deficits from the 1956 and 1958 campaigns which, "when the campaigns were over," became "personal debts" (*H–1120*).

As to the "series of fund-raising affairs held in Connecticut on October 26, 1963" (*H–1123*), these were initiated by the same "group of friends still wanting to do something to get the Senator definitely out of the hole if they could" (*H–1124*); and that the purpose of the 1965 dinner was that "we needed the money—the same thing, to get rid of Senator Dodd's personal debts" (*H–1137*).

The testimony of Mr. Arthur B. Powers, the treasurer of the 1961 dinner at Hartford, is generally to the same effect, but it is also quite specific in that he called attention to the fact that the letter which he sent out "asking people to purchase tickets to the dinner" (*H–634*) expressly provided that "it will be a nonpartisan tribute" (*H–635*).

Mr. Powers stated further: "It was my understanding in that it was three years after he had been elected, and certainly about three years before he would have to run again, that it was a dinner in his honor, the funds of which could be given to Senator Dodd for his use as he saw fit. . . . We were concerned over the fact that Senator Dodd had many, many bills hanging over his head; that he had paid many of these out of his own pocket, and I think it was this concern that led many of us to believe that a testimonial dinner in his honor would be appropriate, and that he could use the funds any way he saw fit. There was never any discussion at that time to my knowledge that the money would be used for campaigns."

Mr. Matthew M. Moriarty, who was chairman of the 1961 Hartford dinner, testified that "it was a testimonial for Senator Dodd to give him funds he needed desperately"; that as far as he was concerned, the funds were "for his personal use"; and that this "was the approach that I used at all times in trying to sell tickets verbally. . . . I preached this gospel up and down the State to all of my friends"; that he "was always aware of the fact that he was pressed financially", and that he "assumed" that the indebtedness was (both) personal and political" (*H–620*).

Mr. Moriarty asserted that the purpose of the 1963 breakfast was also "to raise funds as a testimonial for Senator Dodd" (*H–621*), and that the 1963 dinner of which he understood Mr. Barbieri "was the instigator" (*H–624*), was arranged for the same purpose—it was not "to take up any deficit", but "was for Tom Dodd's own use" (*H–631*). It was, he said, "the only way that we can operate . . . to assist these men through testimonials and get moneys through masses

of people and leave them unfetered and without obligations to any individual."

Mr. Moriarty's testimony is of especial significance, since he was a successful businessman, had been honored "as the outstanding citizen of (his) community," had been decorated by Pope Paul as a Knight of Saint Gregory, and had never had any "interest in politics" except in his "desire to see good men in office" (*H–625*).

Perhaps the most significant factor of all is the fact that Mr. Moriarty did not even "become a registered Democrat until about" two years after the 1961 Hartford dinner (*H–626*). He testified that he had "received a number of contributions from Republicans who were not supporting . . . the Democratic Party . . . the first time probably in the history of . . . the area that those Republicans made a contribution to a Democrat (*H–627*); that he "told many of them" that "the purpose was personal use"; and that he had heard that there were "some that thought that it was a political contribution," but that these were "isolated cases" (*H–630*).

Senator Pearson, a member of the Select Committee, stated during the course of the hearings, that he understood "what was intended by those persons who testified here, the small group of men who organized these things. But what concerns me is what was understood and intended by the general public, and those people who attended these things, and those people who made the contributions" (*H–842*).

It was obviously impractical to bring personally before the Select Committee, all or any reasonably representative cross-section of the hundreds of persons who attended the seven functions under discussion. But there were introduced into the record, something more than 400 "form affidavits" by persons who contributed to the events, and who declared under oath that "these funds were intended . . . as a personal gift to Senator Dodd" and that it was the contributor's "intention that Senator Dodd use these funds in any way he saw fit. They were not intended as a political contribution" (*H–1153*).

The Select Committee took cognizance of these affidavits, but while noting in its findings the testimony of James Boyd, Senator *Dodd's* faithless former administrative assistant, that the Senator had told him that the funds were to be used to pay campaign deficits, and while concluding that "contemporary newspaper accounts in Connecticut and New York represented" the events "as being for political campaign purposes" (*R–24*), made no reference whatever, in its "Conclusions," to the hundreds of affidavits to the contrary sworn by the persons who actually contributed the funds in question.

In its report, the Select Committee made a finding (*R–14*), and then reiterated it (*R–88*), that "recently President Johnson stated publicly that he never knew that any dinner he attended was to raise funds for anyone's personal use"; but the Committee did not add, as did the President, in the statement to which the Committee was referring, that while he "understood that they were having an appreciation or testimonial dinner," he did not know whether "it was for personal, or political, or local campaign, or national" (*H–893*).

Finally, on this point, there is an affidavit—not part of the official record—by United States District Judge M. Joseph Blumenfeld, stating that while he was engaged in the private practice of law prior to his appointment to the bench, he was familiar with the manner in which the Hartford dinner was planned and carried out, and that he advised Senator Dodd at that time "that the net proceeds of the dinner should be treated by him as a gift excludable from gross income for federal income tax purposes . . . and that he was free to use these net proceeds in any way he wished and not solely for political purposes."

ASSERTED DUPLICATE EXPENSE BILLINGS

In its findings of fact the Select Committee noted that "on seven occasions from 1961 through 1965, Senator Dodd, while traveling on official Senate business, paid for by the Senate, also received substantially equivalent expense reimbursement for the same transportation from private groups for his appearance as a speaker at various events" (*R–23*).

Two references are given by the Committee in support of the foregoing finding. One (*H–863–865*) is to a stipulation entered into between the Select Committee and Senator Dodd, and speaks for itself. The other reference (*H–746–747*) is to the testimony of Michael O'Hare, Senator Dodd's former bookkeeper who, while still in the Senator's employ, was in league with a newspaper columnist for the theft of Senator Dodd's income-tax returns and thousands of other documents from the Senator's files.

The latter reference contains the following statement by the faithless Mr. O'Hare: "The Senator then told me that he would travel on the subcommittee funds, but (also) to get the money from the National Council of Juvenile Court Judges for all of his expenses, including the travel, and that, when the check arrived to enter it as income, and show it as an honorarium" (*H–747*).

This reference is really especially significant since the Select Committee, in its report, while noting that "Senator Dodd testified that he did not authorize O'Hare nor anyone else to bill twice," nevertheless also noted expressly in its findings that Mr. O'Hare "testified that in doing so he acted at the express direction of Senator Dodd" (*R–23*).

It would seem only fair, at this juncture, to give extracts from Senator Dodd's testimony on this point, and on Mr. O'Hare's connection with the charge, as found by the Select Committee, that the Senator was "requesting and accepting reimbursements from 1961 through 1965 for expenses from both the Senate and private organizations for the same travel" (*R–25*).

In the first place, while conceding that some such bills had gone out in error, Senator Dodd denied that it was done at his direction, "The facts about that," he testified, "are really very simple. I never knew there was any double billing . . . I expected that my books were being properly handled" (*H–832–833*).

The last two of the duplicate billings were sent out by Mr. O'Hare after he "decided to deceive me" (*H–833*), that is, after he had conspired with Messrs. Pearson and Anderson, and had given them Documents from Senator Dodd's locked files, but while he remained in Senator Dodd's employ.

"I remember every day," said Senator Dodd, "he was coming in to me and pretending to be a faithful, reliable, devoted employee. Why . . . someone wrote me an anonymous letter and said some of my files had been stolen, the fellow I called in was O'Hare, and I said, 'Don't you think we ought to check the locks?' He said, 'Yes, sir.' And he was one of the thieves."

"He had the locks changed all right, but he never told me . . . that he had been taking documents (and) that he knew that other people were. He pretended to be as baffled, as mystified as I truly was. I didn't know what was going on, and I continued to trust him. . . . All I did was treat him well, and every day he would come in during this dreadful period, taking care of my books and affairs, and every day he was stealing from me." (*H–833–384*).

Of the seven trips by Senator Dodd on which the Select Committee found that there had been duplicate billing, on at least one the Committee is clearly in error. On a trip to Seattle in mid-1963, the Senator addressed the National Association of Insurance Commissioners, who paid him, in the words of the stipulation between the Committee and Senator Dodd, $500, "an honorarium for his speech." The Senate paid the Senator's airline fare of $378.42 and $24.50 for additional expense and per diem on the trip to Seattle. The record contains not a single shred of evidence of any "double billing" on this trip as expressly found by the Select Committee in its Report (*R–23*).

Each of the other items of duplicate billing is listed in stipulations between Senator Dodd and the Select Committee (*H–863–865*). But some of them are far from clear. For instance, Senator Dodd's air fare of $346.14 for a trip February 26–March 2, 1965, from Washington to El Paso, San Diego, Los Angeles and back to Washington, was paid by the Senate. On February 27, Senator Dodd participated in an Insurance Day conference at the University of Arizona at Tucson, and the University later paid him $295 for travel expenses in that regard. The University conference in Arizona must have been held during the course of the Texas-California trip, but the record fails to show any Government reimbursement whatever for Senator Dodd's expense between El Paso and Tucson (*H–865*).

Similar fallacies can be pointed out in other expense items for other trips, on the basis of which duplication of expense bills was charged and found by the Select Committee. Some were only partial duplications, but the first of the double-billing items is so trivial that it is amusing. It covered a trip made in March 1961, from Washington to Philadelphia and return. For an address delivered on March 6 at Villanova University, Senator Dodd received an honorarium of $50 and a refund of expenses of $28.50. (*H–863*).

Supposedly, the entire item of expense for which the Senator was "reimbursed" by Villanova University, was never actually incurred by him, because his air fare of $24.53 was paid by the Senate. It is, however, extremely difficult to believe that Senator Dodd deliberately "directed" anyone to issue both vouchers for this item as the Committee apparently concluded (*R–25*).

So far as it is possible to reconstruct, from the record, the precise amounts of duplicate billing on the six trips taken by Senator Dodd during the five or six years under consideration, the extent of the duplication could not have exceeded an aggregate of $1289.49; and that figure is subject to substantial reduction for parts of certain trips on which the Senator was apparently not reimbursed.

During the years 1961 through 1966, Senator Dodd took some 80 trips for which he was entitled to reimbursement of expense (*R–11*). On only six of these was there even partial duplication of billing and payment. Each of these duplications was billed by Mr. O'Hare—two of them apparently after he had begun extracting documents from Senator Dodd's files and was turning them over to columnists Drew Pearson and Jack Anderson (*H–752, 865*).

And for an aggregate of 21 of the 80 trips taken by the Senator, on which he was entitled to reimbursement by the Senate, he received no reimbursement at all (*H–866*); and when Mr. O'Hare was asked why he had not made claims for the Senator's account for the amounts due him on these trips, he announced that this oversight on his part was "just a technicality" (*H–748*).

These payments may well have exceeded substantially the amount of any duplicate payments on the six items on which overpayments may have been made.

It is unfortunate that, although the written stipulation between the Select Committee and Senator Dodd states expressly that Senator Dodd "was entitled to be reimbursed" for these twenty-one trips "from the contingent

fund of the Senate . . . (but that) he received no reimbursement" therefor (*H–866*), the Committee makes no mention whatever of this extremely significant circumstance in either the findings or conclusions of its Report.

THE LAW

In a narrow sense, there is little point to a discussion of legality of proceedings taken, of findings made, or of conclusions reached by the Senate of the United States because, in the last analysis, while "the Senate is a legislative body . . . it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character," *Barry vs. United States ex rel. Cunningham*, 279 US 597, 613 (1929).

Among these powers is that of Article I, Sec. 5, Cl. 2, to "punish its Members for disorderly behavior" which, like "the power to judge of the elections, returns and qualifications of its own members", necessarily involves the power "to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review." *Ibid.*

On the other hand, when "the question under consideration concerns the exercise by the Senate" of its judicial power, there must be no "such arbitrary and improvident use of the power as will constitute a denial of due process of law". *Id.*, 270 US at p. 620. See also: *Kilbourn vs Thompson*, 103 US 168, 182 (1880).

The Select Committee took cognizance of this judicially sanctioned constitutional mandate and recognized in its Report "that the action of a House of Congress in judging the conduct of one of its Members is 'judicial in nature' . . . and must be carried out in proceedings consistent with the due process of law requirement of the Fifth Amendment of the Constitution" (*R–11*). The Committee stated further that "in complying with the Constitutional requirements of due process of law, the Committee took into account as a general guide the practice and procedure of the Federal courts."

It seems likely that, in the strict judicial sense, the Select Committee transgressed this mandate in only two—albeit fundamental—instances. At the outset of its report, the Committee states frankly that "a Subcommittees took sworn testimony from several witnesses in executive sessions in order to determine whether there was sufficient cause for a formal investigation" (*R–3*).

And the Committee also reported that "the public hearings were preceded by two days of closed hearings to explore preliminary matters which therefore were not made part of the printed hearings upon which the findings and conclusions of the Committee were based." [2]

The Sixth Amendment to the Constitution of the United States provides expressly: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him. . ."

In *Greene vs McElroy*, 360 US 474 (1959), the Supreme Court, while not deciding the constitutional issue directly, nevertheless used language evidencing its unequivocal disapproval of such a practice in an administrative proceeding. The hearing in that case began with a statement by the Chairman that "the transcript to be made of this hearing will not include . . . reports of investigation conducted by . . . investigative agencies which are confidential." *Id. at p. 486.*

The Court said:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination . . . They find expression in the Sixth Amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases . . . but also in all types of cases where administrative and regulatory actions were under scrutiny." *Id.* at p. 496.

To demonstrate the ancient roots of the foregoing principle imbedded in the Sixth Amendment to the Constitution of the United States, the Supreme Court quoted the following classic example from ancient Rome:

"When Festus more than two thousand years ago reported to King Agrippa that Felix had given him a prisoner named Paul and that the priests and elders desired to have judgment against Paul, Festus is reported to have stated: 'It is not the manner of the Romans to deliver any man to die, before that he which is accused to have the accusers face to face, and have license to answer for himself concerning the crime laid against him.' Acts 25:16." *Ibid.*

Very recently, the Supreme Court held that the guarantee of confrontation contained in the Sixth Amendment is binding on "the States under the Fourteenth Amendment according to the same standards (of due process) that protect those personal rights against federal encroachment". *Pointer vs Texas*, 380 US 400, 406 (1965). It has also been held very recently that the right of confrontation may not even be waived by counsel for an accused without the accused's consent. *Brookhart vs Janis*, 384 US 1 (1966).

In the last case on this point, decided by the Supreme Court only a few months ago, a conviction was reversed on the ground that a bailiff accompanying a retired jury had told a juror in the presence of others that he believed the accused to be guilty. The Court held that this was a denial of the right of confrontation guaranteed by the Sixth Amendment made applicable to the States through the Due Process Clause of the Fourteenth Amendment . . . a right which, by the Court's "undeviating rule," is "among the fundamental requirements of a constitutionally fair trial." *Parker vs. Gladden*, 385 US 363, 364, 365 (December 12, 1966).

Only one other point of law can have application to the instant case. The Select Committee reported that it had itself "decided that it would be improper to use documents taken without consent from a Senator's office and therefore obtained all the facts through its own independent investigation" (*R–12*).

Despite this fact, it cannot be gainsaid that the only road toward any other evidence could not have led from any other source, and must inevitably been marked by the road-signs of the tainted evidence.

The modern doctrine, that independent evidence obtained by following a path indicated by evidence improperly obtained—called "fruit of the poisonous tree" (Frankfurter, J., in *Nardone vs United States*, 308 US 338, 341 (1939)), grows out of the opinion of the Supreme Court in *Boyd vs United States*, 116 US 616 (1886), a case which Mr. Justice Brandeis characterized, in his dissenting opinion in *Olmstead vs United States*, 277 US 438 474 (1928) as one that "will be remembered as long as civil liberty lives in the United States." In the *Boyd* case, the Court said:

"The principles laid down in this opinion (*Entick vs Carrington*) affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitute the essence of the offense; but it is the invasion of his infeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the Fourth and Fifth Amendments run almost into each other." 116 US at p. 630.

In dissenting in *Lopez vs United States*, 373 US 427, 456 (1963), Mr. Justice Brennan pointed out that "the authority of the *Boyd* decision has never been impeached. Its basic principle, that the Fourth and Fifth Amendments interact to create a comprehensive right of privacy, of individual freedom, has been repeatedly approved in the decisions of this Court."

As stated by Mr. Justice Holmes nearly half a century ago, "the essence of a provision forbidding the acquisition of evidence in a certain way is not merely that evidence so acquired shall not be used before the Court but it shall not be used at all." *Silverthorne Lumber Company vs United States*, 251 US 385, 392 (1920).

Mr. Justice Frankfurter felt that permitting the use of evidence obtained through other, tainted evidence was, in effect, placing a premium on corruption. *On Lee vs United States*, 343 US 747, 759 (1952). He quoted Mr. Justice Brandeis as having said, in his famous opinion in *Olmstead vs United States* (*supra*, 277 US at p. 474): "The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court."

Similarly, in *Irvine vs California*, 347 US 128, 132 (1954), Mr. Justice Jackson, as the principal organ of the Supreme Court, called attention to the provisions of the Fourth Amendment, that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated," and pointed out that "science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer or the busybody." See also: Frankfurter, J., in *Abel vs United States*, 362 US 217, 234 (1960); and Brennan, J., dissenting in *Lopez vs United States*, 373 US 427, 463, 464 (1963).

In *Wong Sun vs United States*, 371 US 471, 487–488 (1963), Mr. Justice Brennan, speaking for the Court, held that certain narcotics could not be used in evidence, because they were "fruit of the poisonous tree," since, "granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality. . ." See also *United States vs Blue*, 384 US 251 (1966).

It is submitted that it hardly seems possible for the Select Committee to have had

[2] Senator Dodd and his counsel were present at these latter hearings, but not at any of the preliminary hearings, of whose sessions they were neither notified nor aware.

any evidence at all on which to base the findings in its report, except for the leads which it derived from the evidence produced by the perfidy of Senator Dodd's faithless employees. In the last analysis, this can be viewed in no other light than as a classic concept of "fruit of the poisonous tree."

CONCLUSION

However varied the reactions of the Members of the Senate may be to the recommendation of the Select Committee, there can be no question that the Members of the Committee deserve high commendation for their diligent effort, in the course of their investigation and study of the immediate problem before them, to strive toward a high standard of ethical conduct for Senators of the United States.

It has been suggested in published statements by Members of the Select Committee that it should probably turn, at this time, toward the preparation of a complete Code of Ethics to set up standards of conduct for Members of the Senate, as a "rule and guide" to which they should adhere.

It is submitted that fairness demands that such a guide be approved and adopted promptly, and that present and future complaints be considered thereafter by the Select Committee and the Senate within the framework, and in the light, of such a Code.

It is accordingly my intention to move for a substitute resolution, in place of that recommended by the Select Committee, substantially as follows:

"Resolved by the Senate of the United States,

"1—That the Select Committee on Standards and Conduct be, and it is hereby, commended for its diligent efforts, in its investigation into the conduct of Senator Thomas J. Dodd of Connecticut, to promote high standards of ethics on the part of Members of the Senate; and

"2—That, in order further to promote high standards of ethics for Members of the United States Senate, the Select Committee on Standards and Conduct is urged to prepare a Code of Ethics of the Senate of the United States to govern the conduct of the Members of the Senate, and to submit such Code to the Senate for its approval prior to the end of the first session of the Ninetieth Congress."

It is the intention of the undersigned, of course, to address the Senate at its session on June 13, 1967, when the Recommendations of the Select Committee on Standards and Conduct, as embodied in S. Res. 112, are called up for consideration; and this memorandum is submitted in advance of that hearing, so that the Members of the Senate will have an opportunity to be briefed by the information herein contained as a background for the oral presentation which the undersigned will make.

RUSSELL B. LONG,
U.S. Senator.

WASHINGTON, D.C., *June 12, 1967.*
EBERHARD P. DEUTSCH,
Of Counsel.

NEW ORLEANS.

Mr. LONG of Louisiana. Mr. President, I want to clear up a few misimpressions which exist here in this body. I, like other Senators, read the morning newspapers. It has been my impression that if one is getting a bad press in the morning newspapers, it really hurts his case. It hurts our chances. Senators read the columns in the morning. Their wives also read them and discuss them before Senators come to their offices. It is not in the RECORD, but it hurts. It really hurts if people come in with a preconceived notion about a matter.

So much am I concerned about that kind of thing that on occasion I have tried to persuade Mr. Pearson to write the side of the story that would be correct, hoping it might help to influence Senators and their wives, knowing the influence that wives have on Senators and their children, and knowing that Senators do not read the RECORD. I never read it.

When I first came here Scott Lucas, the majority leader, discussed this subject with me at the time we were making a magnificent fight against the base point pricing bill. Nobody was there to hear it, but I would speak one day, Paul Douglas would speak one day, Estes Kefauver would speak one day, WARREN MAGNUSON would speak the next day, JOHN SPARKMAN would speak the next day. We were making the best speeches to empty seats ever made in the history of the Senate. Scott Lucas said to me one day, "When are you going to stop talking and let us get to a vote?" I said, "We are making a magnificent record." I hope Scott Lucas will pardon me for what I say. He is no longer a Senator. Maybe he said it facetiously. He said, "Senator, the only thing Senators ever read in the RECORD are their own remarks."

That is why I have irritated Senators in these proceedings. The case against TOM DODD has been made. It has been made. It has been printed and published for 18 months. They have written one side, not the other side. They have written that TOM DODD did so many things wrong which were not wrong. They have twisted it around so much that black turns out to be white, and white turns out to be black. They have engaged in distortions, in innuendoes, in falsehoods, in—let us use a country boy's term—lies. They have printed them, without answer, in so many places, so many times, that the people of the country have been convinced that this man is a very corrupt person, which means that if we do not punish him, we are corrupt, ourselves.

Why do I say this? I say this because this committee report came in from honorable, high-type Senators—better than the average Senator, far better than the average Senator, the best we could pick. This report came from a committee for whose chairman I have the highest affection. I have a higher affection for the chairman than for anyone else in this body with the possible exception of DICK RUSSELL and the majority leader.

But may I say my duty is one thing, just as the duty of JOHN STENNIS, if he feels the Senate is being dishonored—he has the courage, regardless of the Senator—is to ask the Senate to censure the man, or even expell him from this body.

The morning press indicated that I said I planned to engage in some kind of questionable tactics to save TOM DODD; that I was actually going to go to the extent of so irritating Senators, so angering Senators, so upsetting Senators in the course of this proceeding, that they might even take TOM DODD's name off the resolution and put RUSSELL LONG's name in its place.

The reporter who wrote that story did it in good faith, I am sure, or he might have thought he was doing the right thing. I thought if I could talk to him personally, he would write a story that was correct. But he did not.

Mr. President, I have no control over the press. I have learned, after many years in public affairs, that if people in the press want to hurt one by writing unfairly, they can distort the facts, say anything against that person; and if they want to say any falsehood on earth, there is nothing that RUSSELL LONG or anyone else can do.

My counsel helped to put some of those cases on the law books. There is nothing one can do about it. Forget about filing suit. If you become a Member of this body, they can do almost anything they want to you. They can do to anyone what they have been doing to TOM DODD, and there is nothing you can do about it. So much for our friends in the Press Gallery.

Mr. President, I am reminded in this connection of what former Senator Matthew Neely once said. He said, "I would climb the highest mountain to help my friend. I would swim the deepest ocean to stand by his side. I would travel over the burning sand and the biting snow to be with him. But I cannot vote for his amendment."

So there comes a time when duty requires that a man must vote against his friend. If I really believed THOMAS J. DODD were guilty of the charges contained in the pending resolution, I would vote for censure. But knowing the man as I do, knowing he has done no wrong—I think I can demonstrate this to the Senate—I cannot vote for censure.

It seems to me that from the beginning, the committee has had evidence available concerning the witnesses who testified against Senator DODD, which would have reenforced the argument that no credibility whatever should be accorded to their testimony. It has seemed to me that this evidence was needed for an additional reason.

The evidence is important, in my judgment, to a full understanding of the reasons why basically good people would engage in such a course of conduct. I believe it had even more to do with their motivation than it did with credibility.

I have discussed this matter with the chairman of the committee, and I believe we understand each other in this matter.

Mr. President, I simply would relate why I felt the evidence was relevant and vital to the case. It would show that James Boyd was fired, and that he had every reason to know that he was going to be fired, for engaging a second time in the kind of conduct for which he had already been warned that dismissal would be prompt and immediate. James Boyd, therefore, had no compelling reason to feel that he had been done a great injustice.

Now, it seems to me that the Senator from Connecticut may have made a mistake—not an intentional mistake, but a mistake, looking at it from hindsight, where we have 20/20 vision—in seeking to discharge a crushing burden of honest debts incurred in seeking public office and, indeed, in discharging the duties of that office. TOM DODD apparently never adequately explained to his employees—

certainly not to Michael O'Hare—how those debts had been incurred, why they had been incurred, and why it was proper that they should be discharged in the manner in which they eventually were discharged.

That, to me, is the only conceivable reason why Michael O'Hare, without the knowledge of his boss, would be purchasing money orders instead of checks, seeking to conceal information for no logical reason, and engaging in a number of other similar acts which just make no sense whatever, unless he erroneously thought there was something crooked about all this.

And TOM DODD understandably never thought it necessary to explain to this employee and ostensible friend that his conduct was entirely correct and proper and ethical.

It is necessary to understand some of this in order fully to comprehend what Michael O'Hare did thereafter. TOM DODD found it necessary to dismiss Terry Golden, to whom O'Hare refers in the record of the hearings as his girl friend, for apparent incompetence. The only other logical explanation would be that Michael O'Hare was using this scheme to steal TOM DODD's money, or to defraud some of TOM DODD's creditors, each of which would have been a serious crime.

Now enter Jack Anderson.

It might be important for purposes of the case to know whether it was Jack Anderson who first made contact with the conspirators or whether it was the other way around. It might be helpful in order to determine motivation of the conspirators, whether they were moving from reasons of high purpose and principle, or whether those conspirators were engaged in a very corrupt course of conduct, for which they could spend the rest of their natural lives in prison. It makes a lot of difference.

The committee has additional information available to it if it wanted to seek it. For example, Jack Anderson told about this relationship between himself and the conspirators—how it started and how it proceeded. He even volunterred to discuss the matter, and did, on the "Mark Evans Show" here in Washington and explained it from his point of view to the whole television audience. He was available to the committee and I hardly think he would have claimed the fifth amendment in view of the fact that he voluntarily discussed it over television.

What he said could so easily have been available for the record, and I am certain that the committee is not that timid about calling such a writer, even, as Jack Anderson, before the committee, that the committee undoubtedly did not call him because it felt that his testimony would be immaterial, as it may in fact be. But, on the other hand, it may in fact be material. I hardly see how one could know for sure unless the committee was aware of what the man would testify if he were called and examined under oath, and had concluded that it would not be material at all.

It may be that they did. Maybe this was some of the testimony that was taken in these closed-door sessions of the subcommittee, at which TOM DODD was not represented. But for some reason, it was left out, and it may be entirely correct that it should have been left out. But how would you know, if you did not know what he would have testified had he been there?

As I understand the story, when James Boyd was fired initially, his wife called Senator DODD and pleaded with him to continue her husband on the payroll in order that there might be some income to the family while Boyd sought a job somewhere else.

TOM DODD consented, on the theory that this man, after all, was entitled to some severance pay.

As TOM DODD stood on his feet and swore on his oath as a Senator that he was telling the truth, I swear that so far as I know, what I am saying is true. But I am not saying that that proves it; I merely am saying that the evidence is available. If the committee believes I am misinformed, it can easily enough get Jack Anderson in here; it can send for James Boyd; it can look into the matter, to see how all this mess started, to see what these people really had in mind.

They tell you they were patriotic Americans, seeking to help their country. TOM DODD will tell you—and I tell you—they were vengeful people, seeking to destroy an honorable man who had taken the only course he felt was available to him.

If I had understood the facts as TOM DODD understood the facts, if I had known what he knew and no more, I would have done only one thing differently. I would have dimissed James Boyd the first time I found out about his corrupt course of conduct—fired him right then and there.

TOM DODD made a mistake. He made a serious mistake. He fell victim to his own good intentions, and he has paid a real price for it. He and his wonderful wife and children have been through an almost unbearable ordeal.

The other actors in the conspiracy were apparently weak, badly motivated people who never really understood what an honorable and fine man their boss, in fact, had been—if, indeed, they were capable of understanding that such honorable people as TOM DODD do exist.

Mr. President, TOM DODD has told his story. He has personally urged me to avoid discussing these matters which the committee did not hear. As I agreed to do, I have made no more than passing reference to what may very well be sordid, unseemly conduct.

I would like the Senate to note that TOM DODD demonstrated—by asking not to have evidence produced in his behalf which could help to exonerate him—that he is a man who would accept disgrace and gross injustice rather than consent to such revelations, even though they could establish beyond doubt the reasons why these people undertook to destroy this fine man.

That illustrates the impeccable character of TOM DODD. He is a man who would be crucified but, for reasons of decency, would spare his crucifiers from the complete exposure they deserve.

He has permitted the case for his political life to be prejudiced, rather than divulge the moral misconduct of other people.

Mr. President, I have proposed a chart of the double billings, and I ask unanimous consent that the chart be reproduced and printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Double billing

In 1961:	
Philadelphia (pre-O'Hare)	$24.53
West Palm Beach (pre-O'Hare)	127.82
San Francisco	376.86
In 1962: Miami	135.95
In 1963: Seattle, no double billing.	
In 1964: None.	
In 1965:	
Tucson	295.00
Los Angeles	329.33
Total	1,289.49

Mr. LONG of Louisiana. Mr. President, two of the alleged double billings—and I say alleged and will refer to that later—occurred before Michael O'Hare took over TOM DODD's books.

With regard to those two so-called double billings, the previous two bookkeepers were available. They submitted letters stating that any double billing stemmed from their own oversight, not from the Senator's direction.

Are they former employees?

Mr. DODD. The Senator is correct.

Mr. LONG of Louisiana. They are former employees. I do not suppose that a former employee has an obligation to lie for his former boss. I do not know the relationship, but the point is that TOM DODD swore under oath that he had no knowledge whatever of those two first double billings. The committee had available to it witnesses who would also swear under oath that those two double billings were their fault, entirely their fault, and that TOM DODD knew nothing about it.

TOM DODD's signature does not appear anywhere on any papers that have to do with those two double billings. It is not there. It is not his signature.

He offered to produce the witnesses, if the witnesses were available, and one of the best known and most renowned handwriting experts in America who staked his reputation on the contention that neither double billing bore TOM DODD's signature.

If TOM DODD saw it, if it was laid on his desk for his approval, it is likely that it would bear his signature. Everyone knows that Senators themselves do not use a name-signing machine. It takes less time to sign something yourself.

Two good, credible witnesses were available to testify with reference to both of these billings. Both of them swore that TOM DODD did not order it done. Both of them swear that TOM DODD knew nothing whatever about it.

And it is easy enough to understand how it could have happened because, with regard to those two in particular, the bills came in months apart and the figures were not the same.

The committee listened to Michael O'Hare, and he apparently succeeded in deceiving them as well as he had succeeded in deceiving TOM DODD himself.

The committee thought that while that young man had done some things that were improper, it was for understandable reasons.

Under the circumstances, they did not realize that this man had a compelling, vengeful desire to destroy TOM DODD, to convince the Senate and the country that TOM DODD was a crook, a thief, a man unworthy of serving in high public office.

This vengeful desire prevailed, even though the 4,000 acts of theft that were committed in stealing from TOM DODD's files by night, the providing of illegal entrance for other thieves to that office, his providing them with the keys and opening the doors and stealing DODD's income tax information and everything else that he thought could hurt his boss—could have warranted a prison sentence extending for the equivalent of several lifetimes.

O'Hare obviously decided to risk perjury, in the hope of convincing the committee that he was a decent fellow, just as he once had convinced TOM DODD.

I do not find fault with the committee. They did an honest job, the best they could. In my opinion, the men on this committee are so fine that just as O'Hare could not believe that men as honorable and clean as TOM DODD exist, these men could not believe that people as corrupt as O'Hare exist.

O'Hare testified that the reason he did all this stealing was to do the Government a favor, to do the American people a favor.

O'Hare was asked under oath, if he were aware of the fact that even if the Senator had instructed him to double-bill, he was not relieved of the moral and legal responsibility of having done such criminal acts.

At that time, Mr. O'Hare was testifying to more criminal action that appears on this chart, by alleging that a second trip to Los Angeles had been double billed.

The trip involved three fares—Senator and Mrs. Dodd, and the Senator's administrative assistant, Judge James Gartland. The Government paid for TOM DODD's trip, the Junior Chamber of Commerce paid for Mrs. Dodd, and Judge Gartland's fare was paid by the Senator. That is all there was to it—no instance of double billing.

But there was Michael O'Hare, swearing, perjuring himself, to swear himself guilty of a crime that had never been committed, at a time when this fact had already been demonstrated to him; and the information was available that this was not a double billing at all. He still insisted.

The point is that the man is a thief, he is a liar under oath, and he knows he is a liar under oath. I might add that up to now he has been sufficiently successful at that. He has not even been indicted downtown in the district court, even though the evidence is incontrovertible. Pretty good lying, I would call it. Would you not call it pretty good lying?

Mr. President, with further regard to the so-called double billing, the Seattle trip, listed in red, is not a double billing at all. The only evidence that would even suggest it is a double billing is the testimony of Michael O'Hare.

But as evidence of how honorable, how fine, how decent TOM DODD is, he has conceded that 1963 payment to be a double billing. He said it was a mistake and should not have been done—even though it was not actually a double billing. The stipulations clearly so state, and that is between the committee and Senator DODD and his lawyers. The stipulations state that the check said on it, "$500 honorarium." It was an honorarium.

TOM DODD told us he feels he did not have the right to go there at Government expense. But there is no double billing. That point should be made clear.

The billing of transportation costs to the Government was completely justified, because TOM DODD was a member of a subcommittee reviewing problems connected with the insurance industry.

TOM DODD had every right to go to that convention of State officials. Those people were State insurance commissioners of the United States. He had a right to go there and talk about disaster insurance, the regulation of insurance, and practical problems. Further, they were liberalizing some requirements of insurance companies with respect to the amount of assets a company should have. He had a right to go there and either talk or listen. If he were asked to make a speech at such a meeting, then it could be justified as a proper expense in the performance of Government business as chairman of a subcommittee having to do with insurance problems. So, Mr. President, we can dispense with that allegation of misconduct.

Now, Mr. President, in connection with the Philadelphia double billing, with respect to the checks from Villanova University, it is said that here is a case against TOM DODD. The check at Villanova shows "TOM DODD." The Villanova check shows "$28.50." It noted on the back, "transportation and other expenses."

TOM DODD did not buy his own airplane ticket there; that was a Government-provided airplane ticket, but he had a right to go there on Government business. If I am correct, he was investigating a matter of some of the strategic war materials, which were in this case machines to manufacture ball bearings to the Soviet Union. He finally won that fight. There was a man in Philadelphia to help him in that connection. TOM DODD wanted to go there to talk with this man while he was in Philadelphia, and he thought it would be appropriate for the Government to pay for his trip. He went there on a Government ticket for legitimate business, well documented in the RECORD, and not contested by the committee.

While he was there he went out to Villanova University and made a speech there. They sent him a check when he got back for $28.50, "Transportation and other expenses."

TOM DODD has taken a sworn oath. I would like to ask him two questions in connection with this matter because the accountants whom I asked to look at this matter have told me that they do not think it is double billing.

I would like to ask the Senator a question if he will stand.

(Mr. DODD rose.)

Mr. LONG of Louisiana. Do you swear that what you are going to say will be the truth, so help you God?

Mr. DODD. Yes.

Mr. LONG of Louisiana. I would like to ask——

Mr. DODD. I took that oath when I came here, by the way.

Mr. LONG of Louisiana. I just want to be sure the Senator is, in effect, testifying.

On the occasion, Senator DODD, when you went to Villanova, how did you get from the Philadelphia Airport to Villanova University? It is my impression that that is about 6 miles outside of the city limits of Philadelphia and quite distant from the airport.

Mr. DODD. I truthfully do not recall. I do not know whether I was met or whether I went on my own. I do not remember.

Mr. LONG of Louisiana. What would be your best recollection if you had to say one way or the other?

Mr. DODD. It is pretty hard for me to say, when I truthfully do not remember. That was back in 1961. I do not know whether I went out there in a taxi or was met, or how I came back.

Mr. LONG of Louisiana. You do not know?

Mr. DODD. I do not know.

Mr. LONG of Louisiana. In your judgment is it entirely possible that you might have gone both ways in a taxicab?

Mr. DODD. Surely, it is possible, but I cannot say because I really do not remember.

Mr. LONG of Louisiana. The Senator has tested his memory?

Mr. DODD. I cannot remember.

Mr. LONG of Louisiana. Can the Senator recall, perhaps, whether he got back home in the afternoon or the next morning. Can you recall what airport you came in? Was it the Washington National Airport you came into? How did you get back to your home, or office?

Mr. DODD. I think it was late. It was fairly late. I am sure I was in a taxi.

Mr. LONG of Louisiana. On that occasion you took a taxicab?

Mr. DODD. A taxi.

Mr. LONG of Louisiana. Do you have any recollection of how you got to the airport—whether it was Washington National, Friendship, or Dulles?

Mr. DODD. I believe it was National Airport. You are asking me things I find it almost impossible to recall. Maybe a member of my family drove me there. I am sure they did not drive me out because it was too late. But I do not know. I do not have a detailed recollection about that trip. I wish I did.

Mr. LONG of Louisiana. The memorandum also has what must necessarily be an odd figure. If one takes $24.53 and subtracts that from $28.50 one comes up with an odd figure, which might be the change from some kind of sales tax for a meal or some other purchase. Can the Senator tell me whether he bought a meal, or what other expenses there were?

Mr. DODD. I have to say to you again that I may very well, but I have no exact recollection of that. It was a long time ago, and I do not remember.

Mr. LONG of Louisiana. I thank the Senator. That is all I want to know.

Mr. DODD. I just cannot tell you.

Mr. LONG of Louisiana. The reason I asked the Senator those questions is that, generally speaking, the Senator is going so far back in his memory that he cannot tell. So, I have made an effort to try to find out about the trip, the double billing on this one—Philadelphia, $24.53.

Mr. DODD. Will the Senator from Louisiana yield?

Mr. LONG of Louisiana. Of course, I yield.

Mr. DODD. I heard you say that I had interviewed a man about that ball bearing machine. I am not even sure that I did, that time.

Mr. LONG of Louisiana. But it is possible, if you charged the Government for that trip, that you went out there to see that man about that matter.

Mr. DODD. Yes, but I am not sure I did, on that trip. My own theory is that it was a mistake. However, I do not know how it came about.

Mr. LONG of Louisiana. You do not really know how it came about?

Mr. DODD. I do not know. I know from the record that somebody purchased an airline ticket with a committee credit card. I did not know about that. I supposed everything was in good order. I only learned about that in the last few months.

I heard what the Senator said about that, and I just want him to know that I am not sure that that is the occasion on which I went to see that engineer about the ball bearing machine.

Mr. LONG of Louisiana. Can we reaffirm, as you said 2 days ago, that you did not sign the voucher, you did not see the voucher, you did not see the check, and you did not sign the check, in either case?

Mr. DODD. I am sure of that. That would be something else.

Mr. LONG of Louisiana. Mr. President, I bring these points out because it may be that this was not a double billing at all.

It could appear to have been double billing—the $24.53, which is one figure, for an airline ticket, and one for $28.50, which is not entered there, but that was the double billing—the other side of it—for transportation and other expenses. It does not say what kind of transportation.

Now on the West Palm Beach item, that is not precisely a double billing, it is an overlapping. Yet we are told that this is a pattern. The first one, however, is not even double billing. Conceivably, it might be overlapping, but the indications would be that it is not even that.

The charge relating to the West Palm Beach trip is not a double billing but an overlapping. The one for $127.82 appeared to have been included in the larger payments for a trip which the Senator made. The Senator says, in his judgment, that it was an accident, that he did not sign it, he did not see it, knew nothing about it, and he did not instruct anyone about it. The person who did, however, was ready to swear under oath that it resulted from a bookkeeping error. It might be well also to keep in mind that the Government still owes him for 21 trips—21 trips for which the incompetent Michael O'Hare failed to bill the Government as legitimate travel by TOM DODD to and from Connecticut.

Now let us look into the Michael O'Hare billings. There are two up there, actual double billings by O'Hare, prior to the time he defected or began negotiations for his corrupt scheme which Jack Anderson has talked about.

Exclusive of the Seattle trip, there were five double billings by O'Hare. I might note that one of them occurred in 1962. I believe there was overlapping in the 1962 one.

Mr. LAUSCHE. Mr. President, if the Senator will yield, what does he mean by "overlapping"?

Mr. LONG of Louisiana. I mean that the Senator had other expenses. The way the accountant figures double billing, or overlapping, is that somebody was billed too much.

Keep in mind that an overlap on the part of a bookkeeper is not so serious, because the checks come in at different times. If the check is precisely the same amount, the chance that one will catch the mistake is better than if checks came in for two entirely different amounts.

The testimony of THOMAS DODD is uncontroverted that his employee was a lazy, incompetent, slipshod bookkeeper.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. In 1964 there were no double billings?

Mr. LONG of Louisiana. None.

Mr. LAUSCHE. Then in the year 1965, after the plot was set into operation, two double billings were listed. Who was in charge of the books and checks and accounts at the time the two double billings were made in 1965?

Mr. LONG of Louisiana. O'Hare.

Mr. LAUSCHE. Were those, or were they not, made after this difficulty arose in which he was fired, rehired, and so forth?

Mr. LONG of Louisiana. One can quarrel about the exact date. Let us talk about the firing and rehiring——

Mr. LAUSCHE. At least, it was after the trouble arose that these two double billings in 1965 took place, while none was made in 1964 while there was no trouble?

Mr. LONG of Louisiana. That is right. He overlapped in 1961, double billed in 1962. His incompetence does not need any checking for a couple of years, 1963 and 1964, and about half of 1965, until after his close, steady confederate, James Boyd, was fired.

Mr. LAUSCHE. Mr. President, may I ask unanimous consent to put a question to the chairman of the committee?

Mr. LONG of Louisiana. Will the Senator please not do that? I would prefer to speak on my own time.

Mr. LAUSCHE. I will ask the Senator from Louisiana a question. Does the record substantiate the statement that there was no double billing in 1964?

Mr. LONG of Louisiana. Yes. That is the committee's conclusion.

Mr. LAUSCHE. That is the committee's conclusion.

Mr. LONG of Louisiana. So he can accept that as a fact. To make the RECORD complete, during this time TOM DODD lost on 21 trips for which he had a right to be reimbursed. But at least, on the double billing and the overlapping, it appears that O'Hare had 2 good years, 1963 and 1964. He did not double bill at all. In that area he had apparently learned to do this job.

After James Boyd, O'Hare's close friend, is dismissed, enter Jack Anderson. Jack Anderson is a part of this thing and may wind up in jail. I hope not, for I like him and think I can call him a friend.

Jack Anderson once explained his role in the scheme to destroy TOM DODD.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. I engaged in a discussion with the Senator from Connecticut dealing with the number of trips that were made that could have been used for double charging; and I should like to put some questions to the Senator from Louisiana on that subject.

Am I correct in my understanding that the record of the committee shows that 80 trips were made?

Mr. LONG of Louisiana. Yes, sir.

Mr. LAUSCHE. And that of the 80 trips that were capable of being used for double billing in the course of 5 years, the committee says that there were seven in which double billing occurred; am I correct?

Mr. LONG of Louisiana. That is correct.

Mr. LAUSCHE. In other words, in 1965 there was no double billing; in the other 4 years, there are supposed to have been seven trips, covering 4 years, in which 80 trips were made which were capable of having been used in that way; is that correct?

Mr. LONG of Louisiana. Someone has said that. Will the Senator please continue with his question?

Mr. LAUSCHE. I need not ask the Senator's opinion. I am merely asking for factual information. Eighty trips were made?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Seven of them were alleged to have been double billed?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Seventy-three others could have been used for double billing, but they were not.

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. That is all I wish to ask at the moment.

Mr. LONG of Louisiana. Certainly; but TOM DODD had to travel. He was chairman of an important subcommittee and a highly regarded member of the Committee on the Judiciary. All he had to do, any time he wanted to go somewhere, if he had wanted to cheat the Government, was merely to say that he was going to some private organization. He could have billed the Government and billed the private organization. As I understand, there were countless oppor-

tunities to do that, if that were what he had been bent upon doing. He could just have claimed those for Government purposes—which did not exist—and cheated the Government all those times.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. The Senator from Kansas [Mr. PEARSON] stated that of the 80 trips, 24 involved a dual service, one personal and one governmental.

Mr. LONG of Louisiana. Will the Senator please restate his question? I am not certain that I correctly understand it.

Mr. LAUSCHE. Does the record show that of the 80 potential trips involved in double billing, 24 of them involved what I call dual functions; the first, to serve the Government, and second in an individual capacity, to deliver a talk at some function, or to do something else?

Mr. LONG of Louisiana. Yes. I very much thank the Senator from Ohio. As he so well knows, whenever TOM DODD went somewhere to a private affair, such as to speak before a civic club, or to any event of that sort, if he had been a crook, he could have, on every one of those occasions, contrived a governmental reason to bill the Government goodness knows how many times. But no; all there is to show for that are two cases where there is any evidence at all to support them, and that is the evidence of a liar who had a compelling reason to perjure himself.

That involves the trip to San Francisco in 1961 and the trip to Miami in 1962. I do think that there is additional evidence to be had if one wanted it.

I would just as soon forget about the whole thing after we get through voting on this. But I would say if the committee wanted to get Jack Anderson or Drew Pearson, or to get a transcript of Anderson's television comments, we could see that those last two double billings would not be proper to use as part of a pattern.

Talk about a pattern. There is nothing to it. The actual fact is that nothing of that sort happened until this Anderson-Pearson conspiracy started.

A meeting planned would create a lot of unnecessary bother, both in the event the Senator's plans would change, in the event he should decide to spend more time in connection with the ball bearing problem, or indeed arrange a mutually agreeable time when the expert on ball bearings could tell the Senator what he wanted to know about the matter. The point of it is that when you subtract $10 taxicab fare from $28.50, you have a figure less, by $5 than the figure of $24.50 and that is only allowing for two taxicab fares—one from the Washington airport and one from the Philadelphia airport.

Even a subtraction of the $6.50 from the Philadelphia airport direct to Villanova leaves a figure of $22 and that is not enough to cover the actual cost of the Government ticket and that does not explain what the other expenses were about. In other words, if we merely look to the evidence available to us, the first item is not a double billing. The $28.53 necessarily must be for a miscellaneous number of items, including taxicab fare, or even limousine fare, from an airport which we, at this late date, cannot identify for sure. We can identify enough of it to exclude the possibility that the $28.50 includes a double billing for an airplane ticket of $24.53.

So let us now take a look at the chart setting forth the alleged double billings. Michael O'Hare testified under oath that there were at least eight in number. The committee, faced with incontrovertible proof, dropped one—that makes seven. I have proved, I believe, that two were not double billings at all—not even overlapping of billings. These were the trips to Philadelphia and back and to Seattle and back. That leaves five. One of these five occurred prior to Michael O'Hare. We have two credible witnesses available that this was a mere accident—an unintentional error for which TOM DODD has made repayment in an amount that exceeds any possible claim by the U.S. Government, even assuming that all of this was double billing.

Drop out the two which were done after Michael O'Hare is suspect of having defected from his boss. Without these we have only three double billings over a period of 6 years. One of these double billings was clearly an error and so supported by the persons who made the error. TOM DODD was not at fault for it in any respect. The other two occurred within 1 month with O'Hare already defected and beginning to engage in criminal conduct to destroy his boss. So how many double billings do we have supported by any evidence at all—perjured or otherwise—which may have happened at a time when Michael O'Hare might have been working for, rather than against, TOM DODD? There are two in number: A trip to San Francisco in June of 1961 and a trip to Miami in August 1965. These two previous occasions of duplicate billing, made by Michael O'Hare, could easily have been committed by an incompetent such as O'Hare has been shown to be. They could easily have been simple, honest errors because the checks by private organizations are for different amounts of money in that they include honoraria as well as transportation. The double billing at different times with different amounts of money involved is not the kind of thing that would necessarily catch the eye of anyone other than a very competent accountant and even he might miss it.

For example, TOM DODD's books were regularly audited each year during this whole period and even the auditors—a competent firm of CPA's—did not catch the double billing.

Note that. Here was a man who hired auditors to audit his books regularly. They did not detect the double billings because of O'Hare's form of bookkeeping. If they had, TOM DODD would have refunded the money as he did when he became convinced that somebody had been double billed.

How can we blame TOM DODD when he did not know it. He did not see it. He did not sign the vouchers. He did not sign the checks. He did not endorse the checks, and even a competent firm of certified public accountants failed to catch it.

That is back in 1961 and 1962. How on earth could we blame TOM DODD for not knowing it?

It was only when the traitorous, slovenly, incompetent bookkeeper had made it possible, and whose laziness made it too much bother to even apply and obtain for Senator DODD reimbursement for 21 trips involved a greater sum of money for which TOM DODD received no payment because of failure to bill the so-called no billing to which TOM DODD referred. I say with confidence that TOM DODD lost more money to the Government than he gained because of O'Hare's incompetence.

This is a small matter but it would be interesting to note a trip in 1963 to Seattle resulted in the $500 honorarium. Had the honorarium not been paid, the trip would have been taken at a different time and the Government would have lost the tax money which it obtained as a result of TOM DODD's earning the honorarium. Insofar as the insurance commissioners were concerned, all they were concerned about was the cost to them of obtaining an adequate speaker to bring credit and interest to their convention. TOM DODD was such a speaker.

They were willing to pay whatever they could afford. Strangely enough, had the Government not been involved—and certain other circumstances existed—it would have been to their advantage to call it transportation and pay it as such, rather than to call it an honorarium. It is rather complicated, but actually it does work out that way. It would have been to the organization's advantage to have claimed this as transportation rather than as an honorarium; but it is of no importance.

In my judgment, no case whatever has been established with respect to double billing.

Mr. President, during the afternoon session I shall demonstrate that TOM DODD did not cheat anybody, did not even think of cheating anybody, not a soul on earth, in any respect whatever, with regard to the money that was raised to help to defray a crushing burden of debt incurred by a decent, honorable man and his wife in his effort to secure a seat in this great body, where I am proud to serve and happy to have TOM DODD as a colleague. I will discuss the other issue later.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana be recognized at the conclusion of the quorum call, after the brief recess which I am about to request.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. PASTORE. Mr. President, I have just received some sorrowful news concerning a serious illness in my family. I ask unanimous consent that I may be excused at least for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. I ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Is there

objection? The Chair hears none, and it is so ordered.

At 1 o'clock and 2 minutes p.m., the Senate took a recess until 2 o'clock and 2 minutes p.m., the same day.

At 2:02 p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. BARTLETT in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 145 Leg.]

Aiken	Griffin	Montoya
Allott	Gruening	Morse
Anderson	Hansen	Morton
Baker	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Hatfield	Murphy
Bennett	Hayden	Muskie
Bible	Hickenlooper	Nelson
Boggs	Hill	Pearson
Brewster	Holland	Pell
Brooke	Hollings	Percy
Burdick	Hruska	Prouty
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Jordan, Idaho	Ribicoff
Carlson	Kennedy, Mass.	Russell
Case	Kennedy, N.Y.	Scott
Church	Kuchel	Smathers
Clark	Lausche	Smith
Cooper	Long, Mo.	Sparkman
Cotton	Long, La.	Spong
Curtis	Magnuson	Stennis
Dirksen	Mansfield	Symington
Dodd	McCarthy	Talmadge
Dominick	McClellan	Thurmond
Eastland	McGee	Tower
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fannin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Gore	Monroney	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. Mr. President——

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. Mr. President, first I ask for recognition.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, I had a request from the Senator from Florida [Mr. HOLLAND], who wanted to make a unanimous consent request.

I have thought about it and am willing to yield in order that he may make the unanimous consent request. It is the one he suggested the other day. I believe that as of now I could agree to that part of it. Hopefully, we could all agree to set a pattern.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, let me remind my good friend, because between friends we must be frank——

Mr. LONG of Louisiana. Yes.

Mr. HOLLAND. My right to ask for a division of this question is an unimpaired right and cannot be tied to anything else.

I told the distinguished Senator in my remarks on the floor yesterday if there was any desire to put the second issue first, I would be glad to support that desire. I remind the Senator, before he yields to me, that such would not be a part of my request for division because that is a simple request under the rules which every Senator has a right to make when a matter is subject to division. That is the request I would make.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Mr. President, may I make it clear, as far as the junior Senator from Louisiana is concerned, that I have no objection to a division as such.

I believe that as of this moment, the Senate is convinced that there should be no vote of censure on the double billing charge. I would be ready to vote on that.

I would have to tell the Senator that if a division were insisted upon we would have to debate it for a while. I could not possibly be willing to agree on the first issue, as it is, even without amendment, but the second I would be willing to vote on now.

(At this point Mr. BYRD of Virginia assumed the chair.)

Mr. HOLLAND. I have no request for any immediate vote. I have no desire to control the time when a vote is taken. I have no desire to control the distinguished Senator from Louisiana, or anyone else, as to what kind of motion or attack is made upon either of these divided questions. My sole point is that these questions are so unlike, so completely unlike, and dependent upon different facts, that I feel the Senate should be allowed to vote upon the merits of each of them. If the Senate should decide otherwise with reference to either of them on some dilatory matter, that would be up to the conscience of the majority of the Senate. My point is that these two questions are dissimilar and are separate. I will not discuss the matter at length, but I ask the——

Mr. LONG of Louisiana. Will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Mr. President, I respect his right to demand and insist upon a division. He does not require any consent for that. I wish the Senator would see if he could gain consent that we vote on the double billing charge first. I believe it has been adequately discussed by both sides. I believe that both sides have had an opportunity to state their views on it.

So far as I am concerned, we can vote right now, or at any time. We rest our case on that. But, with regard to the other, much remains to be said. I would hope therefore that the Senator would perhaps—because we have not presented our case—see if he can obtain unanimous consent to vote on the second part first. The Senator knows, in the absence of his motion, that it would be in order for any one of us to move to strike that second part, which I do not want to do. I want a direct vote on it.

Mr. HOLLAND. Mr. President, I respect very greatly my good friend from Louisiana. I am going to stand upon my own rights, for my own reasons, and without hostility to anyone, again asserting this: I am not committed to anyone on either of these matters, and do not intend to be, until I hear out the full debate on both subjects. But, they are so unlike that I think they should be voted upon separately. I hope they will be voted on ultimately on their merits.

I ask for a division, Mr. President; and I am going to ask that my distinguished friend from Ohio [Mr. LAUSCHE] be joined in that request, which I am happy to do.

Mr. DIRKSEN. Mr. President, will the Senator from Florida withhold his request just a moment because I want to propose—

Mr. HOLLAND. I withhold it simply from the standpoint of asking the Presiding Officer not to rule, but I am going to make that request now.

Mr. DIRKSEN. Yes. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois for that purpose?

Mr. HOLLAND. I will be very happy to do so.

Mr. LONG of Louisiana. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois will state parliamentary inquiry.

Mr. DIRKSEN. Mr. President, if a simple demand for a division is made, it is my understanding that automatically a vote must come on paragraph A of Resolution S. 112 which is before the Senate?

The PRESIDING OFFICER. The Senator is correct, unless unanimous consent is obtained.

Mr. DIRKSEN. It is my understanding, also, that when this division is demanded, either part is still amendable.

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. Mr. President, I ask for a division.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. If a division is called for, does that mandatorily require that the first part be voted on first and the second count second?

Mr. DIRKSEN. That is right.

Mr. LAUSCHE. Unless unanimous consent is obtained.

Mr. DIRKSEN. That is right.

Mr. HOLLAND. Mr. President, I insist that we have a ruling from the Chair upon the division.

The PRESIDING OFFICER. The Senator has a right to make that request.

Mr. STENNIS. Mr. President, may we have order in the Chamber, at least to the extent that we can hear what the Chair is saying.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. HOLLAND. Mr. President, does the Presiding Officer order a division on these two subjects, in accordance with the request of the Senator from Florida and the Senator from Ohio?

The PRESIDING OFFICER. The Senator from Florida, having made the request, that is the way it will be treated.

Mr. HOLLAND. I thank the Presiding

Officer, Now, Mr. President, if I may be allowed to say this:

I have not the slightest objection to how the Senate proceeds. The Senate can proceed by motion to strike. It can proceed by immediately voting on the merits. It can proceed by substituting action on the second question ahead of the first question. Action on the first question would come automatically, unless action of the Senate ordered otherwise. But the Senate has the right to order otherwise. I have no desire to control the matter in any way. I am completely satisfied now that we know we are going to consider these two parts separately.

Mr. ANDERSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from New Mexico.

Mr. LONG of Louisiana. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I thought I had yielded to the Senator from——

Mr. ANDERSON. I understand we are going to vote. The Senator from Louisiana says he is ready to vote. This seems to be delaying the vote. If the Senate wants to vote, why does it not vote?

Mr. HOLLAND. If that question is addressed to me, my understanding is that without prior action by the Senate, the first vote would be upon the first question. My understanding has not been that the distinguished Senator from Louisiana has spoken yet upon that question, or is ready to vote upon it.

Mr. STENNIS. Mr. President, will the Senator from Louisiana yield to me?

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. Let me say to the Senator from Mississippi that I had promised to yield first to the Senator from Ohio, and then I will yield to the Senator from Mississippi.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that count No. 2 be voted upon first.

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. BENNETT. Mr. President, reserving the right to object——

Mr. STENNIS. Mr. President, I do object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, will the Senator from Louisiana now yield to me?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Mr. President, to be certain we all understand the parliamentary situation. The only thing that has happened here is the order for a division of the vote under the rules, to which the Senator from Connecticut is entitled and the committee is glad for him to have it. That is the only ruling the Chair has made; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Further to understand the parliamentary situation clearer, that means that the first A item will be voted on first and B, the next, unless there is unanimous consent to the contrary; is that not correct?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. But there is no understanding about when the vote will be made, or how much time will be had on it; is that not correct?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. LONG of Louisiana. Mr. President——

Mr. TOWER. Mr. President, will the Senator from Louisiana yield to me for a parliamentary inquiry?

Mr. LONG of Louisiana. Mr. President, I want to make it clear that so far as I am concerned, and I have discussed this matter with the Senator from Connecticut, it is my feeling that we have had an opportunity to make our case on the double billing matter. I point out to Senators with regard to the double billing matter that this is the Senate trying a man for a crime, for being guilty of——

Mr. McCARTHY. Not a crime.

Mr. LONG of Louisiana. This matter of double billing involves a crime, punishable by 5 years in the penitentiary and a $10,000 fine. I will provide the Federal statute. I have looked it up. Frankly, Michael O'Hare is subject to the same thing. If a man is guilty of that, if he is guilty of what is alleged on that chart there—one, two, three, four, five, six, seven items there—as suggested by the committee, and that man is guilty of that, then he should be prosecuted.

I submit that most of the censure matters in the Senate have occurred on matters about which there is no doubt. We censured Joe McCarthy. I sat here and voted for it. We did it because he became outraged that a committee had recommended censure, and he referred to its members as handmaidens of the Communists.

One of the Senators said he referred to his colleague as a handmaiden of the Communists and he was going to recommend that he be censured. We all heard that here. I guess we had 80 witnesses to that. There was no question about it. But here it is being asked that Senator DODD be censured for something for which, if he is guilty, he should be prosecuted, but for which he would have all kinds of rights under the Constitution, and which he does not have here under the procedures of the Senate.

In fact, it appears that the committee is asking the Senate to vote this censure upon the man without the committee having to bear any burden of proof or any preponderance of the evidence. We were told that by the chairman of the committee——

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I beg the Senator's pardon. I did not say anything about not having a burden of proof to prove the matter or prove it beyond a reasonable doubt. I declined to try to tell any Senator what degree of proof is required. I said the burden of procedure is on the committee.

Mr. LONG of Louisiana. I appreciate what the Senator has said. I am glad he made that explanation. But it is a distinction without a difference.

We have the power to do here just what we did in the McCarthy case because he wrote an insulting letter to a man who was called before the committee. We could censure him for it. We could censure him because he got carried away with what he believed to be the righteousness of his cause as he saw it. He said he was a handmaiden of the Communists.

While I have been here in this body, all the censure proceedings have been against Senators for their conduct. What we censure them for is their resentment of the committees investigating their conduct. For example, in the McCarthy case, all that started with a Drew Pearson article. Perhaps it had its genesis in a tax investigation, where it was charged that Joe McCarthy had taken money to fight communism and used that money to speculate in the grain market, and used that money for his personal advantage. So there was an investigation. Tom Hennings brought the matter before the committee. At that time McCarthy took the view, "You are nothing but a bunch of lame ducks. We will have a new Congress. I won't go before the committee." He said, "In my judgment, you are dishonest." When he did that, he was censured. While that was going on, he was charged by General Zwicker. General Zwicker had insulted him, and McCarthy had insulted Zwicker. It was a case of a clash of tempers between two men at a hearing. When McCarthy found out about the censure proceeding, he became incensed, and referred to members of the committee as handmaidens of the Communists.

My recollection is that virtually all the censures have taken place with reference to matters that Senators know happened. Every Senator knew about it. They have happened in the presence of many members of the committee, or on the floor, and there was no doubt about it. We vote censure for that kind of conduct. But here we are asked to try a man for a Federal crime when there is a remedy in the Federal law to protect the Federal Government, and where he has all sorts of rights. We are asked to try him in a procedure where every Senator is privileged to vote and to sit in judgment on a man charged with a Federal crime, when the accusers say that they do not have the same burden that would be required in a criminal case. In a courtroom proceeding, he would be entitled to be heard in the selection of a jury. He would be entitled to challenge the right of a person to serve on that jury who might be prejudiced against him in his judgment, or because he knew something about the facts. He would have those rights. He would have all sorts of rights to keep certain documents out of the record, items that would be unfairly prejudicial to him, such as the columns that Drew Pearson writes every day, urging censure of Senator DODD. He would have a right to keep out of the record things that appear in the Washington Post that meet people's eyes.

If Senators want to see a Senator censured when he is denied due process,

when he is denied cross-examination of witnesses in the subcommittee session—there was an error in TOM DODD'S memorandum; it was indicated it was a full committee—if Senators want to try that man and deny him the right where he has some say on who sits on the jury, deny him the right to be tried in a case where the accusers must prove him guilty beyond a reasonable doubt—if that is what Senators want to do, they can do it. But they will have put a Member of the U.S. Senate on trial for his political life in a proceeding which does not give as much right to a U.S. Senator as exists for a thief who had stolen 50 cents worth of merchandise.

The question is not whether this man can be and will be tried. The question is, Do Senators want to do it? If they want to do it, they have the power to do it and to punish him.

I have discussed this matter with one of our district judges who sat on the court of appeals. He laughed at that case. He is not sitting as a court. He looked at the case. He said that in his judgment there is not a jury in America that would convict or a court of appeals that would sustain the conviction. That is what that judge predicted that man's trial would result in if it were tried in a court of law.

I am willing at any time to have the Senate go to a vote on whether the man committed a Federal crime and double billed the Government. We ought not to try the Senator for that crime, even though it can be and has been clearly demonstrated that he is guilty of no wrongdoing here. We ought to send the record to the Federal Bureau of Investigation to see if they can make a case and then go ahead and bring a case against him.

But on the other charge, that of raising campaign money and spending it for other purposes, that is an entirely different matter. It is something on which the Senate can properly sit in censure. It is something on which the Senate could, with propriety, sit in judgment and censure.

There are a number of other questions, a completely different set of questions involved, that would confront the Senate. It does seem to me that the Senator from Florida had a very strong point when he said we ought to separate these two charges, because we are doing nothing but cluttering up our minds around here when we proceed to listen to evidence on one of these proposed charges or one of these so-called patterns of misconduct for a while, and then turn to the other thing for a while. It just confuses us; we would do better to stay with one of them until it is decided, and then proceed to the other one.

But, Mr. President, I hope the request of the Senator from Ohio will, in due course, be agreed to, because it would seem to me that that would be the ordinary way and the best way to proceed. Tactically, it seems to me that it does not make too much difference how we proceed, whether we are forced to vote on the No. 1 charge or not. But we cannot agree to proceed to a vote on the No. 1 charge right now, because we have hardly commenced our defense on that issue. On the second one, we are ready to vote now, or at any time in the future.

Mr. President, I am aware of the fact that at least one member of the committee has indicated that it might be well for us to sit down and discuss the double billing matter, so that perhaps I can come to see it the way the committee sees it, or they can see it the way I see it, and perhaps we might even agree on an additional stipulation or two. I am perfectly willing to cooperate in any way that I can, now or at any time in the future.

But I must tell Senators—and I hope they will forgive me, considering how few friends this man had on his side—that while everybody has a duty to censure this man, if he is an evil man, and I would vote to do it if I thought so, as much as I may irritate Senators by insisting on the rights of the defendant here, he has only had one man insisting on protecting his rights, and I hope Senators will forgive me if, in my efforts to have them hear the defendant explain his situation, and also to present the case for him, I seem to be overzealous. I am very grateful for the Senate's attention.

Several Senators called for a vote.

Mr. LONG of Louisiana. Mr. President, I would be ready to vote on that second charge. I ask unanimous consent that the Senate proceed to vote on the second charge, of double billing.

Mr. BENNETT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. LONG of Louisiana. Certainly I shall be glad to yield.

Mr. BENNETT. Mr. President, does not the Senator from Louisiana feel that some of the things he said in his statement this morning are of such a nature that the committee should be given an opportunity to examine and respond to that presentation, and does not the Senator feel that the committee would be derelict in its duty if it did not do so? Can he not understand that for that reason, the members of the committee feel that they should have another opportunity to discuss the so-called second charge?

It is on that basis that the objection is made. The committee is not through with the presentation of its material.

Mr. LONG of Louisiana. Mr. President, I am deeply grateful for the explanation given by the distinguished Senator from Utah. He is a fair man. He is an honorable man. He is one of those men who, I believe, would never deliberately nor intentionally do an injustice to anybody, anywhere on earth.

The statement that he has made, may I say, proves it all the more. I am delighted to hear it, because that is the sort of fair-minded man the Senator from Mississippi is, as well as every other member of the Committee on Ethics—the Senator from Kentucky, the Senator from Mississippi, the Senator from Oklahoma, and the Senator from Kansas—every one of them is eminently fair. I am deeply grateful that fair-minded men did hear what I have to say, and take note of it, and wish to consider it and undertake to see whether I am in error or they are in error. That is all that I could ask.

Mr. PEARSON. Mr. President, will the Senator yield for a question on the double-billing aspect?

Mr. LONG of Louisiana. I yield.

Mr. PEARSON. I understand the Senator from Louisiana is now prepared to go ahead and vote on the second charge?

Mr. LONG of Louisiana. Yes, sir.

Mr. PEARSON. Yesterday we heard a great deal of talk about due process, and I know of no element more important in finding the truth or seeing that it is done in an adversary proceeding. The Senator, acting in an adversary capacity, makes, I think, a real contribution to the Senate today.

Do I understand that it is the Senator's position, first, that the double billings did not occur, or second, that if they occurred, it was because of the inefficiency of O'Hare, or, if that is not true, then whatever O'Hare says does not deserve to be received by the committee or by the Senate, because of his complete lack of credibility?

To phrase the question another way——

Mr. LONG of Louisiana. I stand on all the reasons that I gave, and all the reasons TOM DODD gave. I stand on the fact that the only testimony in the record in support of that double billing is the sworn testimony of Michael O'Hare. There is no other witness, none of the other four former staff members, even, to support the charge that TOM DODD knew about this, that he ordered it, and there is no evidence whatever to make TOM DODD responsible for it. The proof is just zero, unless you believe Michael O'Hare.

I rely on the fact that Michael O'Hare is not a credible witness. In addition to not being a credible witness, he had a strong, impelling desire to tell a falsehood about this matter, to perjure himself. I stand on the fact that Michael O'Hare was a very sloppy bookkeeper.

I stand on the fact, as I indicated, that as regards this so-called charge of a pattern, the Seattle trip was not a double billing. Senators might argue the propriety of accepting an honorarium out there, but that was not double billing.

As to the trips to Tucson and Los Angeles, while O'Hare had not double billed previously since 1962, in 1965 he double billed twice in 1 month, after his friend James Boyd was fired, and at a time when evidence available to the committee would show that Jack Anderson had proudly proclaimed that he was in the process of persuading these people to defect and destroy their boss.

Mr. PEARSON. Mr. President, if I may interrupt the Senator.

Mr. LONG of Louisiana. Excuse me for 1 minute. I was asked why the committee charge was no good. Let me tell the Senator.

I submit that in order to find there has been double billing, you have to secure two things. First, you must find that the Government has paid the billing, and then you must find that there was a private organization that also paid it.

If the receipt that we receive comes either directly or indirectly from the thievery of James Boyd, Michael O'Hare, and these others out of TOM DODD's files, if you use that evidence—evidence stolen from the files—that is what is known as making use of the fruit of the poisonous tree.

It is evidence achieved by corrupt methods. It was stolen. It is the fruit of the poisonous tree.

That is information that you receive which, while it is true, was not brought directly to you. You did not acquire it corruptly. However, at the same time it would never have been available to you if it had not been for all of the corrupt activity that was going on. That is what the Supreme Court has chosen to call the fruit of the poisonous tree. The Supreme Court will not look at any such evidence.

So, we have a problem. The doctrine of the fruit of the poisonous tree has not been extended this far. However, before we vote, I want to have a standard set in the Senate that we will not convict a man by the use of the fruit which falls from the poisonous tree, the poisonous tree being documents stolen from a man's files by night, and the fruit of it being the fact that you never would have found a copy of a document if you had not had the document made available to you.

It presents a problem, and the Senate has every right under the sun, legally, if it wants to do so, to use such evidence. But we are talking about morals here. We are talking about standards, and we are talking about conduct.

I am going to be required to ask a question before it is over: "Do we really want to convict a U.S. Senator and destroy a man who has been the victim of the fruit that fell from the poisonous tree?"

That comes to the old story in Genesis of Adam and Eve. We know that Adam was told not to eat the poisonous fruit. He disdained to do so. But there was a serpent on that poisonous tree.

This serpent is Jack Anderson trying to get us to eat the fruit of that poisonous tree.

If I might be permitted to use a metaphor, Drew Pearson is the crocodile and Jack Anderson is the serpent on the poisonous tree. He has a poisonous tree acquired at great effort. He wants us to consume the fruit of that tree and destroy a Senator as a result of a corrupt plot and theft and burglary and stealing and lying and all of the corruption which constitutes the poisonous tree.

He has given us the fruit of it through his columns in 600 newspapers. He now wants us to eat this fruit. If we want to do it, we have every right to do so.

When Adam did, he did not make out too well. Even the serpent did not do too well. He had to crawl around on his belly after that. Eve had some problems, too.

We ourselves are confronted with this problem. Are we going to eat it? Are we going to bite into the fruit of this poisonous tree?

It may very well be that in trying to redeem the honor of the Senate some good man with good motives may say: "I want the people of my State to know that I do not approve of the carryings on that TOM DODD is charged with."

In doing so, we may proceed to vote to convict a man by evidence obtained indirectly from the corruption, theft, burglary, lying, forging, stealing, and the committing of all sorts of crimes that I am not going to discuss by reason of delicacy.

Having done all of that, we proceed to consume the fruit of that tree.

Far from making ourselves look good, we may mark ourselves.

I am not going to do it. I not going to eat that fruit.

If the Senator wants to do so, that is his privilege. I will not.

Mr. PEARSON. In line with the comment of the Senator that we need first to show payment from the Government and then payment from private sources, referring to the record—and I know the Senator is a student of the record—to the stipulations wherein Senator DODD and the committee entered into a statement of fact on pages 863, 864, and 865, we have the information and the facts which the Senate demanded as an essential showing in the making of findings.

Mr. LONG of Louisiana. How did you go about getting that stipulation from those people?

Mr. PEARSON. Getting what stipulation? You mean on the trip?

Mr. LONG of Louisiana. May I say, if you got that stipulation by agreement, you had a right to call upon this fellow to agree that that was the case.

Let us face it. When you called upon that man and agreed with him, you had seen the fruit of this poisonous tree. It had been available to you.

The committee had a right to use it. That is its legal right. The question is: "Do we want to set that standard as a standard for the Senate of the United States, that we will even use the fruit of that poisonous tree and obtain stipulations from a man based upon such information?"

Mr. PEARSON. I do not think a stipulation was entered into or acquired under any duress whatever.

Mr. LONG of Louisiana. Even if you were to do that legally, how did you get the stipulation? The information comes to you from the poisonous tree itself, which the committee says it disdains to use. And the committee said that for a very noble reason.

The committee said: "We just did not think that would be fair." However, the committee then proceeded independently to get that information.

Mr. PEARSON. The Senator is correct.

Mr. LONG of Louisiana. And it will be found, if you want to lay the information out there, so that it will be there for Senators to know, that you wrote to people saying, in effect: "We understand you have a letter from Senator THOMAS J. DODD dated such and such, at a certain place, and the code says that it ought to be such and such. It ought to be filed in such a place, and we want a copy."

Those people wrote Senator DODD. Counsel for the committee did not tell us, but we do know that this evidence was obtained by means of the fruit of the poisonous tree.

The committee had every right to do this. All I am talking about is the moral standard imposed on the Senate when we do it. It sets a precedent.

It is the precedent of allowing corrupt employees to destroy a large number of good Senators. And it is easy enough to prove that he has done nothing wrong. We are talking about the double billings. We will get to the rest of it later on, and I think it can be shown that TOM DODD did not do wrong there, either.

Although it had every legal right to do otherwise, the committee chose not to accept tainted evidence.

I do not think it ever occurred to the committee, however, that there might have been an additional problem involved here and that that might not have been fair, either.

It states on page 12 of the committee report:

> At Senator Dodd's request, in April and May 1966, the Committee obtained copies of several thousand documents taken from Senator Dodd's office by former staff members. (The removal of these documents is discussed in the Supplement to this Report.) Copies of the documents were given to Senator Dodd.
>
> The Committee decided that it would be improper to use documents taken without consent from a Senator's office and therefore obtained all facts through its own independent investigation.

But the committee necessarily used some tainted evidence; indeed, the investigation was begun on the basis of newspaper allegations—which in turn formed their ultimate source in stolen documents.

Mr. PEARSON. Senator, how many year trips in total do you conceive to have been taken by Senator DODD during the period in question? I have stated earlier, in attempting to explain this particular part of the record, that that number was 80. Would the Senator agree that that is so?

Mr. LONG of Louisiana. About 80 trips.

Mr. PEARSON. How many, from the Senator's own investigation and study, were made with a charge against the Senate or the U.S. Government? I made that number to be 26. Would the Senator agree to that figure?

Mr. LONG of Louisiana. Twenty-six?

Mr. PEARSON. Would the Senator agree that that is so?

Mr. LONG of Louisiana. I agree.

Mr. PEARSON. We further determined, and I said so two or three times on the floor of the Senate, that those occasions where there was an opportunity for dual billing acounted to 10—and we never questioned the public business of the Senator on any trip. We made that number to be 10—that is, where he

had a personal appearance, and also where he was working for a subcommittee or a committee of the Senate.

Mr. LONG of Louisiana. So, the point is that you charge that as being 10.

Mr. PEARSON. I did not hear the Senator.

Mr. LONG of Louisiana. I have had available to me some of the best accountants, and I believe they are the best accountants on Capitol Hill. I did not need many accountants, just one good one, to look at it. We studied and analyzed it as shown on the chart. The first one really was not a double billing at all. We do not have adequate documentation.

With respect to the Villanova item, in my judgment, the committee erroneously concluded that that transportation was by air, back and forth. But, for instance, if that were transportation by taxicab from the airport to Villanova College, 6 miles outside Philadelphia, and back, and if that were for taxicab fare to and from Washington National Airport alone, that would just about cover the $28.50, not counting the other items, which could have been a tip, a meal, or any one of a number of things.

If TOM DODD had really enjoyed going first class, he could have hired one of those high-class limousines for $50. Instead of transportation expense of $50, it would have been transportation and expense of perhaps $60.75.

Mr. PEARSON. Would the Senator agree that, really, the amount of money is not of the greatest importance here, nor the amount of times it occurred, but that the real gist of the matter is the intent, whether or not a U.S. Senator intended to double bill? Is that not really what we are trying to find out?

Mr. LONG of Louisiana. The Senator from Kansas understands this, also: TOM DODD swears he did not know anything about it.

Mr. PEARSON. I understand.

I have approximately four more questions.

Mr. LONG of Louisiana. The person who did it is available to the committee, and unless the committee wishes to call that person, the committee should be willing to stipulate that the person would so swear—that the person did it, that it was an error, that it was all his fault. TOM DODD did not do anything at all about it. You do not even have Michael O'Hare with respect to this item. That one has to go.

Mr. PEARSON. Will the Senator permit me to ask some questions?

Mr. LONG of Louisiana. Keep this in mind: That was supposed to be, I assume the first of this pattern that developed, and with respect to this I want to refer to the criminal statute, to determine what the penalty would be. This is the criminal statute, of which the man would have been guilty. Listen to this, Senator:

> Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or
>
> Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—
>
> A very general statute covering all sorts of things—
>
> shall be fined not more than $10,000 or imprisoned not more than ten years—

He would not be subject to 35 years in the penitentiary. According to the Senator's theory, he would be subject to 100 years in the penitentiary.

But in the effort to get a few paltry bucks, it is alleged that this man, an honorable man, known to us to be an honorable man, with no evidence to the contrary, would have violated his oath of office and committed a crime for which, "if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

Mr. PEARSON. I ask the Senator this question——

Mr. LONG of Louisiana. Senator, I know it is not my privilege to ask the question: Do you really think if the Senator was going to do that, he would have started that pattern for $24.53; that he would engage in this kind of corrupt activity?

Mr. PEARSON. I am not going to give the Senator an answer to that question, except to rely on the report we turned in to the Senate, of which my signature is a part.

But in attempting to determine that intent or the will or the pattern, as the Senator has said, I ask the Senator this question: If a Senator, any Senator, received a payment from a subcommittee or a committee, it would come to him in his name as payee, would it not?

Mr. LONG of Louisiana. I shall check that. He did not see it and did not sign it.

Mr. PEARSON. Is it the position of the Senator that he did not endorse his name, in any event, on the back of checks that came from the subcommittee?

Mr. LONG of Louisiana. None; none of these. He so testified. Actually O'Hare was taking care of the Senator's personal checking account.

Mr. PEARSON. Including the endorsements on checks?

Mr. LONG of Louisiana. There is only one check from the Senate; all of the others were done with air travel cards, and O'Hare used those cards.

Mr. PEARSON. I am not talking about signatures on vouchers or vouchers prepared by the subcommittees. I am talking about checks in payment of vouchers that come to Senators. They do come to a Senator in his name, do they not?

Mr. LONG of Louisiana. The checks did not come to Senator DODD. The Government pays the allowance and it does not go directly to Senator DODD.

Mr. PEARSON. It would depend on how the voucher is made out. Six of the nine vouchers were in the name of Senator DODD.

Mr. LONG of Louisiana. It should be kept in mind that one is a check for travel and the others are for per diem. Senator DODD's name is on one check.

Mr. PEARSON. They are left together, are they not?

Mr. LONG of Louisiana. If the Senator is going to fault him——

Mr. PEARSON. No, I am not——

Mr. LONG of Louisiana. Let us be fair. If the Senator wishes to fault him on this the Senator has to find out he knew about the other.

Mr. PEARSON. How would the check come from Villanova, Philadelphia, or any other private organization for expenses and honorariums to any U.S. Senator? Would it not come to him in his name?

Mr. LONG of Louisiana. I assume so, but the air travel for Villanova never came—the private organization checks were done with rubber stamps. One can do that anyway he wishes. That was done by O'Hare.

Mr. PEARSON. But they would be received by the U.S. Senator, would they not?

Mr. LONG of Louisiana. They would come to his office and O'Hare would endorse them, stamp them with the rubber stamp.

Mr. PEARSON. Leaving O'Hare out again, the vouchers are prepared by the subcommittee, are they not? We so found and so reported.

Mr. LONG of Louisiana. I assume so.

Mr. PEARSON. How would O'Hare know anything about the vouchers?

Mr. LONG of Louisiana. One can assume there would be a request. One can further assume O'Hare, as bookkeeper, would take the air travel card to the airline office and turn it in.

Mr. PEARSON. I have one final question.

Mr. LONG of Louisiana. He would have the ticket made out. The handwriting expert said that TOM DODD did not sign any vouchers. So O'Hare took the card, and O'Hare or someone signed the vouchers. TOM DODD did not.

Mr. PEARSON. My final question.

Mr. LONG of Louisiana. It is rather difficult when one has done nothing wrong, to have to exculpate oneself by saying he can establish who did wrong. It is difficult enough when one has all of these lies told on him, but when one has to prove not only that he did not do it, but also that he knows who did, that is most difficult.

The Senator may ask his other question.

Mr. PEARSON. I have only one question. An invitation from an institution or an organization to come to speak, and the offer of an honorarium and travel, ordinarily would go to the Senator. He would be the one who would know about the arrangement; is that not so?

Mr. LONG of Louisiana. Not necessarily.

Mr. PEARSON. I can understand that someone in the office might know, for instance the secretary.

Mr. LONG of Louisiana. I shall tell the Senator of my office arrangement on such things.

Mr. PEARSON. Of course, a bookkeeper would know.

Mr. LONG of Louisiana. I shall tell the Senator that half of the time I do not know. My office takes care of it.

Mr. PEARSON. But the Senator makes the decision as to where he is going to go

to make a speech and as to whether or not he is going to accept an honorarium and travel. Does not the Senator do that?

Mr. LONG of Louisiana. As to a final decision, yes.

I hate to admit it, but my administrative assistant takes care of such things, together with my personal secretary, who is one of the most competent secretaries on the Hill.

In connection with my financial affairs, they have been begging me to get a CPA. I asked them whether they thought I would save more money by hiring someone to look at my books instead of having fine people, such as they are, to do it. They replied that I probably was losing money by not having a CPA take care of my books.

Mr. PEARSON. The Senator has been very patient to answer my questions.

After the question came up a number of times after the deficits in each of the campaigns, and with the help of the staff I have a memorandum with a citation to the record as to that testimony.

Mr. LONG of Louisiana. May I see it?

Mr. PEARSON. I shall have it printed in the RECORD now, if the Senator wishes me to do that, or I shall wait until the Senator completes his presentation.

Mr. LONG of Louisiana. Would the Senator be so kind as to permit me to look at it?

Mr. PEARSON. I was going to read it into the RECORD. I can do it now or later.

Mr. LONG of Louisiana. I have no objection at all.

This is what the Senator feels were deficits?

Mr. PEARSON. That is a reference to testimony in the record.

Mr. LONG of Louisiana. I hope the Senator will favor me with a copy after he has it printed in the RECORD. It might be very relevant.

Mr. PEARSON. Does the Senator have any objection to my having it printed in the RECORD at this point?

Mr. LONG of Louisiana. None at all.

Mr. PEARSON. Well, Mr. President, I will read it, because I think it is of great importance:

RECORD CITATIONS RELATING TO CAMPAIGN DEFICITS

1. *1956 Campaign.*—Newspaper article (pg. 1032 of hearings)—reports deficit of $25,542.

2. *1958 Campaign.*—Newspaper article (pg. 1033 of hearings)—reports deficit of $19,366.

Boyd testimony.—(pg. 600 of hearings) reports deficit $19,000.

3. *1964 Campaign.*—Campaign report filed with the State of Connecticut (pg. 940–950 of hearings)—shows deficit of $6,661.77.

Sullivan testimony (pg. 1137–1138 of hearings)—"I believe our final figure was receipts of $250,000 and expenditures of $257,000."

"The 1964 campaign was not actually solvent. It was—we still slipped into the hole for about $7,000, to the best of my recollection."

Barbieri testimony (pg. 694 of hearings)—"I understood it (the 1964 campaign deficit) to be somewhere in the neighborhood of $4,000 to $6,000."

Moriarty testimony (pg. 623 of hearings)—"At the time of the filing of the report with the Secretary of State, it was, I thought, approximately a $10,000 deficit."

Mr. LONG of Louisiana. May I ask the Senator, is that a newspaper account, an official report, or what is it?

Mr. PEARSON. I hand the Senator a copy for his own use. It covers documentary evidence in the record.

Mr. LONG of Louisiana. I thank the Senator. We will take a look at it and will certainly be glad to study it and analyze it. Let me say to the Senator from Kansas, for whom I have profound respect, that he is a great Senator, and I am very proud to serve with him in this body. However, I see this thing from a completely different viewpoint than he does. If one looks at it from my point of view, he will agree that TOM DODD did nothing wrong whatever.

Incidentally, I do not think the Senator from Kansas has been exposed to my point of view even though he has worked on this matter for a very long time.

I should like now to proceed to explain my side but, I regret to say, it is a Friday afternoon, and many Senators are not in the Chamber so that I feel it might be a waste of effort for me to try to get more Senators into the Chamber by means of a live quorum, because even if more came in, some would drift out anyway.

However, let me stress: I hope that every Senator here, and every fair-minded man and woman in the country, realizes what a heavy burden lies upon the Senate at this hour.

Mr. President, I will not insist upon a live quorum at this time, but suggest the absence of a quorum in order that I may get my notes together.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, on yesterday, the Senator from Massachusetts [Mr. BROOKE] raised a question which demonstrated his great legal ability and talent. I had not anticipated that he would bring it up. I was rather surprised at the answer we received on that occasion.

He brought out the fact that a person facing censure in the Senate of the United States is entitled to expect that his accusers would not only face him, but that they would carry the burden of proof beyond a reasonable doubt.

Mr. President, that is what any citizen accused of a crime is entitled to expect. It just never occurred to the Senator from Louisiana at all that it could be any other way.

The Senator from Massachusetts [Mr. BROOKE] has admirable and distinguished qualifications in this field. He was attorney general of his State, as I recall, before he came here. He knows these matters. He has had responsibilities in connection with them. He assumed, as I did, and as my counsel did, and as Senator DODD's lawyers did, a censure in the Senate has come to mean a virtual death sentence.

I have seen what it can do to a person. It destroys him politically, and it does something to his health. It is a very severe punishment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BROOKE. With all due respect, I think I said yesterday that I would, for myself, consider this to be in the nature of a civil procedure. The test I would apply would be the preponderance of the evidence, rather than proof beyond a reasonable doubt, which is required in a criminal proceeding. I wanted to correct the Senator with respect to what I believe I stated yesterday.

Mr. LONG of Louisiana. I thank the Senator for correcting me on that. I appreciate his fairness.

May I say we are trying this man for violating a Federal law that has a penalty of as much as $10,000 and 10 years for each offense. It seems to me we would be more in the capacity of trying a man in a criminal case.

It might be that in the other matter we are talking about, a Senator engaging in bad conduct, misbehaving himself, conducting himself on the floor unseemly, Senators could let their consciences be their guide and say there should be a preponderance of the evidence. But those who make the charge ought to be able to produce enough credible evidence to at least convince the Senate that a person is guilty. They ought to be able to produce more convincing evidence than the defense.

It seems to me the accused is entitled certainly to a presumption of innocence until proved guilty of doing something wrong.

I did not discuss this matter with counsel for TOM DODD, but I have thought it through, and it is absolutely correct. Counsel for TOM DODD have been put in a position where their client was badly prejudiced. Apparently it is suggested that the defense had to exculpate their client and prove he had done no wrong, and even to prove who did it. That is a heavy burden to place on anyone. It has caused the defense attorneys to conduct their defense differently than they would have done otherwise.

For example, when TOM DODD was first accused about matters in the Julius Klein case, he had no lawyer. He said, "My life is an open book. Take all my records." That is something no lawyer would do if his client was guilty or innocent. He would tell them nothing.

The committee stipulated, in stipulation No. 1, that TOM DODD borrowed $211,000 over this 2½-year period, and that he was $150,000 in debt when he became a U.S. Senator. The committee took the position that the $150,000 in debt which it agrees existed is rather meaningless because TOM DODD is not able to produce bills to show how much of that figure was for debts incurred in paying hotel bills, transportation, or expenses of printing, radio, or television; nor is he able to say how much of it occurred because of loss of income which would result from the loss of earnings to the extent of about $250 a day, with a consequent increase in debts because of his inability to pay what would otherwise appear to be personal debts which had accumulated.

Let me explain the difference between my position and the committee's position.

It seems to me we should not confuse a tax question with a moral question. It seems to me the Senate should realize that there are times when it is not wrong for a person to receive money that is campaign oriented which is used to pay off personal debts.

I am not going to discuss the tax problem at this moment. It may be that he owed taxes on that income, and I am not disputing that. The tax problem is one thing. The moral problem is an entirely different thing.

This is something which the committee did not understand as it went into this case. The Senator from Louisiana is familiar with all sorts of instances of that sort. Let me take one example. Let me give one example of an ordinary, run of the mill case that occurs in Louisiana. Let us say our friend was supporting a candidate for Governor. This is one that happened. That is why I know it.

They are supporting a candidate for Governor, and he is being opposed by another candidate for Governor. There is a sheriff in a South Louisiana parish who, if his hands are free, can deliver that parish. If he does not have to worry about his own reelection, if his hands are free, he can just go out there and deliver votes left and right. He can deliver that parish 3 to 1.

Unfortunately, he is not on our side. He is on the other side, and we are worried about that. We need to slow that fellow down, and keep him busy at home getting votes for himself. That way, he will not be able to beat us worse than 2 to 1.

So we undertake to find him an opponent. Now, we are not seeking to find him somebody who does not have a chance; we want to keep him right busy. We want to get him a good one.

So we say, "Let me see, here's the old boy who used to be chief deputy for this man. That fellow was more popular and knows more practical politics and more about how to get things done than the sheriff himself. Let's get that old chief deputy to run."

So we go out to see him. He has retired from the chief deputy's job, and is out on the farm. He says, "Well, gee, I am glad you folks would like to have me run, but I can't think about running for sheriff."

We ask, "Why not?"

He says, "Well, you know, my old buddy, the sheriff, for whom I used to work down there, holds my note for $10,000, and that note is due. Just as sure as I go to file over here at the courthouse, to try to help you folks out—I think I might beat him, but when I go to file, look what's going to happen to me." He says, "That guy is going to call my note in, seize my tractor, and seize my mule out there, and I won't be able to pay expenses, much less win the election. You have got to find you somebody else to run, who can afford it."

So we say, "Look here, we can find some fellows to campaign for you, and raise some money for you. We have friends that will help you."

So the man says, "I am sorry, but that is not enough." He says, "I have to stay out here on this farm and scrabble for a living, to keep whole hide and hair together for the family. We have got to eat. Who is going to feed the wife and kids while I am out there campaigning for office? My income is cut off."

So we say, "That is a real problem. I tell you what we better do here: Let's see if we can find enough people to put up enough money to help you beat that sheriff, raise the $10,000 to pay off your note, raise another $10,000 on top of that to hold the family together, and then, having done that, you go ahead and use $5,000 of it to feed the family and $5,000 to campaign for office, and use the other $10,000 to pay the note."

So the fellow, being an honorable man, does exactly what he agrees to do. We raise the $20,000, and he takes $10,000 of it and pays off his note, and goes out campaigning and beats the sheriff. We did not get beat 2-to-1; he carries the parish along with him.

That is what Uncle Earl would call good, practical use of money in politics. Mr. President, there is no moral problem involved there. We wanted the man to run. He is a good man. He makes a good sheriff. He is the choice of the public. He does not spend half as much as the other fellow getting elected, but he was a candidate who could not have been persuaded to run if we had not gone in there and put up the money to get the thing going.

As a matter of practical policies, my Uncle Earl did things like that many times. He taught me something about that kind of politics, just because I was around when it was going on. If I may be permitted to cite a single example, ALLEN ELLENDER will know who this man was: Here was a good friend of my Uncle Earl's, and ALLEN ELLENDER's, and of all of us. He was always immaculately dressed, had a white linen suit in the summertime, a diamond stickpin, and a panama-type hat, and just looked like a million dollars. He never had any trouble getting reelected, because the sheriff in that parish always took care of him. He was the strong man of the parish, and was always with the right people.

But one year, this man found he was in difficulty, and had a tough race on his hands. They got him into a runoff; and he went to see my Uncle Earl, to see if he could get a little practical advice about what to do in a tough race. And he went to the right man, too. Uncle Earl was the man who could do it.

Uncle Earl looked at him and said, "Man, don't you see you are in prospect of being ruined? Do you want to end your political life in defeat?" He says, "Those country folks out there don't know who you are." He says, "All those fine, spotless clothes of yours, you have got to do something about that. Get a little dirt on you. Get down and roll on the ground."

And Uncle Earl added, "Furthermore, while you are at it, take that rubber band off that big wad of green bills you got there, and spread some dough around among those country folks. Otherwise, you're going to get beat."

Mr. President, that man had legitimate campaign expenses. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG of Louisiana. Hard to document, no doubt. He did not have the receipts from the bartenders that he paid for the drinks when he went into the bar with a bunch of those Frenchmen around down there. He did not have any proof of the fact that he had gone out and given a party to a few little children, and told them, "Go home and tell your folks about your Senator," and one thing and another like that. He hardly had any documentation for any of that green that he spent getting out there and winning that race. But he did have one piece of evidence—he won the race. Without that, he would not have had any evidence at all.

All I am saying is that politically, it is the right of a politician's friends to raise the money to carry the cost of his campaign. From the point of view of the Internal Revenue collector, it is not only their right, it is their duty. From the point of view of the income tax collector, the fellow who shares your income with you, it is not even your right to pay those expenses with your own personal earnings, for a number of reasons.

For one thing, the job does not pay that much. In other words, Senators know that in some races, it is going to cost as much as $450,000 to make a race for the U.S. Senate. What does the job pay? We have finally got the salary up to $30,000 a year; so, projected forward for 6 years, it is $180,000 before taxes—and that is before eating, too. So it is, from the point of view of the revenue collector, a politician's supporters who pay the expenses of his campaign to keep him in office.

I do not mean that the tax collector is really going to hold it against you that you are a rich man, who pays it all himself, and does not ask anybody to help him. He does not hate you for that. He is just not going to let you deduct any of that from the income you earn. He is going to put the rich man on the same basis as that poor man. The rich man has no advantage, and if he wants to fritter his money away on campaigning, he can do it.

But we cannot deduct as a business expense the cost of our running for office. We cannot deduct it. Try it sometime. You will not get away with it.

I ought to know something about it. I have been on the Democratic senatorial campaign committee, and we try to keep up with what they are doing on the other side of the aisle while we stay active on our side. We know that we cannot deduct it. We know you cannot deduct it. That makes us both even.

What happens in TOM DODD's case? Here was a man who was making, let us say, $65,000 a year in law practice. This fellow wanted to be a Senator.

If we study the record, it is just as clear as it can be that this man was willing to make a tremendous sacrifice to be a U.S. Senator. He was not a rich man. He had a very small net worth, although he had a very substantial earning capacity as a lawyer.

He had this ambition, and he did something that I have advised men not to do.

I have advised men, "Don't run for the Senate and don't run for the House, until you have accumulated enough wealth so that you do not have to worry too much about your financial plight whether you win or lose the race."

Men do not take the advice. They get enthused about the fact that they have a chance to win. Some of them have an overwhelming ambition, and they run anyway. Some of them lose and wind up head over heels in debt. Some of them win and wind up head over heels in debt.

From the financial point of view, they would have been better off if they had lost, because if they win they receive a meager salary, all of which is taxable. They have large expenses that they never had before, most of which are not reimbursed, and they have this crushing debt to carry.

Mr. President, it always has been the law as far back as I can remember that any politician—and that is not merely a Senator; he can be a mayor or a constable—running for office is entitled to *raise* enough money to pay campaign expenses. He is entitled to do that, and he does not have to pay taxes on that income so long as he is using that income to pay the campaign expenses. He does not have to pay taxes on that money, none at all.

There is something else that he can do, and if TOM DODD had come to me, I could have explained that to him. I have been on the tax-writing committee and I have been on the Democratic senatorial campaign committee. It is my business to worry about the other fellow's troubles as well as my own.

Here is a fellow who runs for office. When he starts out, he is practically debt free. When he gets through, what is his situation?

When he gets through running, he is $150,000 in debt. Actually, at one time he was more deeply in debt than that. He had borrowed a total of $211,000. At the end of the campaign, he had an outstanding debt of $150,000.

Mr. President, Senators will note, in discussing this problem, the difference of the departure I am taking from the committee in every step of the way.

The committee starts from the bottom and works up. My departure is from the top to the bottom.

My debt figure starts with $150,000. The committee was not impressed with that. They were not willing to concede that that $150,000 was debts that the man would not have acquired otherwise had he not run for the U.S. Senate.

The committee does not concede that now.

There is the basic difference between the committee's position and mine.

I think I can prove that I am right and that they are wrong. If I can, I think I win my case, or TOM DODD wins his case.

Let us look at what happened. This fellow was borrowing money from anybody who would loan him money.

This man really wanted to be a Senator. So he ran in 1956 and he had a considerable debt left.

That was the Eisenhower sweep. I believe Bill Purtell won that time.

TOM DODD came back and tried again in 1958.

There was not too much chance of getting the nomination in 1956. That was not so in 1958.

There was a fellow named Chester Bowles who was a very popular man. He was a great man in America. He was a millionaire.

Bill Benton was an extremely popular man. He was also a millionaire.

Those fellows were spending a lot of money.

TOM DODD was elected, but he found himself head over heels in debt. When people run for political office, it can ruin the best of men.

So the man was elected, and he had all these debts. If at that time TOM DODD had done what any one of us who have been here for a while could have advised him to do, he would not have the trouble he is having today. He could simply have gone to a bank and borrowed the money.

Mr. President, I have placed on the desks of Senators a memorandum to show how that could have been done. I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Example of how paper trail could have been made

Notes receivable (Dodd)		T. J. Dodd campaign account		
1959	(a) $150,000			
Add interest	(b) 9,000			
Total	(c) 159,000			
1960	(d) 159,954			
1961	(e) 169,551			
1962	(g) 179,724			
1963	(h) 190,507			
1964	(j) 201,938			
		Testimonial proceeds	(f)	$56,111
		Testimonial proceeds	(i)	54,664
		Less 1964 campaign deficit:		
		Expenses $247,937		
		246,290		
		Deficit	(k)	1,647
		Balance	(l)	109,128
		Less unreimbursed cost of office	(m)	101,353
		Balance		7,775
1965	(n) 214,053	Testimonial proceeds	(o)	56,555
		Balance		64,330
Less repayment	(p) 64,330	Less payments to help retire campaign debt	(p)	64,330
Total debt outstanding as a result of 1956–58 campaign	149,723	Balance		0

EXPLANATION OF EXAMPLE AS TO HOW AN ADEQUATE PAPER TRAIL COULD HAVE BEEN MADE

If Senator Dodd would have known that the Committee might have disapproved of the manner in which he kept his records, he could have left an adequate paper trail which would have kept his expenditures beyond question even if he made the identical expenditures that he has made in the case before us.

(a) The first step in constructing an adequate paper trail would have been the opening of a Thomas J. Dodd Campaign Account and the securing of a note from a bank for the amount of his indebtedness resulting from his 1956–58 campaigns. Then he would have used the proceeds of this loan to pay all of his campaign bills and indebtedness. At this stage it would have been clear that the repayment of the note would have been the obligation of the campaign account and that any funds received as a result of testimonials, etc., could be used for this purpose.

(b) At the end of the first year the total amount owing on the note would have increased as a result of interest charges. In this example, it is 6 per cent of $150,000, or $9,000.

(c) This figures represents the total of interest charges and principal at the end of 1959. In subsequent steps the chart figures will show the increased outstanding obligation, but the interest computation will not be shown.

(d) This figure represents the total amount outstanding at the end of 1960.

(e) This figure represents the total amount outstanding at the end of 1961.

(f) This figure shows that the net proceeds of the 1961 testimonial affair would have been deposited in the campaign account.

(g) This figure represents the total amount outstanding at the end of 1962.

(h) This figure represents the total amount outstanding at the end of 1963.

(i) This entry shows that the net proceeds of the 1963 testimonial affairs would also have been deposited in the campaign account.

(j) This figure represents the total amount outstanding at the end of 1964.

(k) This entry reflects the result of the 1964 campaign. Since campaign expenditures exceeded campaign contributions, there was a campaign deficit. The deficit has the effect of reducing the total amount of funds deposited in the campaign account.

(l) This figure is the total amount of funds remaining in the account after the 1964 campaign. It is computed by adding the deposits of testimonial funds and subtracting from that total the net expense of the campaign.

(m) This computation reflects the payment of unreimbursed costs of office—such as telephone expenses over those reimbursed by the Senate, television film clips, and the like—from the campaign account. There can be little doubt that such politically connected expenditures are properly reimbursed from this source. Such payments could be made frequently, but for ease of illustration this chart shows them lumped together.

(n) This figure represents the total amount outstanding at the end of 1965 but prior to the reduction of the debt by the payment from the campaign fund as shown in (p).

(o) This entry shows that the 1965 testimonial proceeds would be deposited into the campaign account.

(p) This computation shows the partial payment of the note which Senator Dodd would have negotiated as described in (a) above. Since the note proceeds would have gone to the payment of political debts, the note is a political obligation and there can be no objection to payments from the cam-

paign fund to help pay the amounts owing on it.

The above computations serve to show that if the loan device had been utilized Senator Dodd could have made the exact and same expenditures as he actually did, and would be completely protected from any allegations of wrongdoing. He did not avail himself of this device, probably because he was unaware of it. He thus spared himself of a rather large interest charge, but on the other hand, he has exposed himself to the charge of censure by those who fail to understand that the mere tracing of funds from testimonial or campaign accounts to expenditures which are personal does not mean that he has diverted such funds for his personal benefit.

Mr. LONG of Louisiana. Mr. President, TOM DODD simply could have gone to a bank, borrowed money, and paid the debts off, documenting, as best he could, to show two things: First, that he had incurred numerous extra expenses by campaigning for office, and second, that those expenses of campaigning for office had helped him to go into debt. He could have done something else: He could have undertaken to determine on a per diem basis or on a yearly basis what his loss of salary as a result of campaigning was and count it as a campaign expense.

So with regard to the debts he owed, he could have found enough reduction of income, on the one hand, or have increased expenses, on the other, to prove and justify the $150,000 he borrowed, and could have paid himself back first, and then paid all the debtors.

Then he could have an understanding with that bank that as he had campaign and testimonial dinners, any kind of fundraising activities, he would deposit the money in the bank.

There are two ways you could do it. If you are trying to keep it down as close as you can, you would keep transferring the largest amount you could from the testimonial account against the note. That would keep down the interest charges. But if you were afraid that somebody up there might misunderstand this, you could put all the testimonial matters in the testimonial account or the campaign account, as the case may be, and let that build up, and tell the bank it can flag that amount, that it is not to honor checks against that campaign account until you have paid down this note to a certain point.

Senators could then see what many businessmen call a paper trail. I believe that term applies to a game played by fox hunters. They ride through the woods—this is what I am told; I have never been fox hunting—and they throw little pieces of paper here and there. When somebody goes riding along behind, they follow the other person by the paper they see.

In business, a paper trail is a series of documents and contracts which prove what has been happening in the past and tend to show what will happen in the future. It is a paper trail. Any insurance company executive knows what a paper trail is. I do not believe I would have any difficulty in explaining to any successful businessman what a paper trail is, although some people here may not understand it.

This is very important, for this purpose: If TOM DODD had put together his paper trail, borrowed the money from the bank, and paid off all these debts, this $150,000, at that point he would have put the bank in the position of this multitude of creditors; and instead of having all these people to contend with and trying to explain his problems to all these folks, and asking for more time on these personal notes, he would have been in a position to have paid down the obligation gradually, orderly and with a plan, and to have handled it in an orderly fashion. I do not know if that ever occurred to TOM DODD. I doubt that it did. But if he had done it that way, he would not be experiencing any difficulty with the Ethics Committee, and not have to pay 5 cents of taxes on all the money he received from the testimonial and campaign dinners, and would owe nothing.

Under the law, both morally and ethically, and with the approval of the tax collector, any time he wanted to do so, he could reach over here and pay any part of the money in that testimonial account to reduce the note at the bank. The bank is not going to worry about whether you pay the note off, if you have enough money in the account—if they have your money locked in and they have your named signed on a slip of paper indicating that you will leave it there until you take care of this obligation. The bank looks upon that money as theirs, unless and until you pay it off.

That is what is called a paper trail.

I submit, Mr. President, that any proper paper trail of TOM DODD'S affairs, to see whether he did right or wrong, would have to be one that started from the beginning, in 1956, and worked forward to 1967, rather than the other way around.

Here, right before you, is how that could have happened.

Now, what actually did happen? This is how it happened. This man and his loving wife tried to carry all these tremendous debts. Here was a man on a salary of $22,500, with a little something dribbling in from his former law practice, and he and his wife were trying to carry this tremendous burden of debt that they had incurred, with the little salary of $22,500 at that time, plus such little income as would come in from time to time for legal services he had rendered in days gone by, as his earlier cases would be settled.

And they were doing something else. Mind you, they were borrowing from Peter to pay Paul. They were doing what I believe most working folks do, little folks, ordinary everyday folks, do. We do it in my family. If you cannot pay off the debts, you at least see if you can turn them over. In other words, you owe some fellow money for 3 years. He is threatening to sue. Well, you pay him. Meanwhile, here is the old boy at the butcher shop. You have given him much business in years gone by. He understands you are deeply in debt. Perhaps he would be willing to wait a while.

Then there is a man threatening to sue for his note, so you find another friend and get him to see if he will advance you a little money for a while. He knows you are in hard times. You see if you can hold hide and hair together for some time until you can make a plan to handle all these problems. Now see what happens when you turn that debt over. The money that you would have used to pay the butcher was used to pay the sound-truck driver. Money that you would have used to pay off the note over here, which appeared to be a personal debt, was used to pay a political debt. So, having turned the debt over, you had a debt structure which was incurred for political purposes in its inception.

But by the time Senator DODD and his wife had tried to carry this big burden out of their personal account and their meager personal earnings for 3 years, they did not owe the money to the same people on the same notes. They did not have the same set of creditors at all, because they had turned it over. In other words, it is exactly the same as if you take all your bills that have come to you, and every time you get a little money, you pay one, and you say, "I'll tell you what I'll do. We have the bills piled up this high. Every new bill we'll put on the bottom, and it will starting working its way up. When it gets to the top, we'll pay it, and then we'll put another one on the bottom, and when it gets to the top, we'll pay that one."

That is not really the way you do it. What you really do is grease the wheel that squeaks the loudest.

I think that one of TOM DODD'S printers even wrote off a printing bill of $15,000 as a bad debt. That does not help you get elected to office. The word gets around, and they say, "Don't let that man have any credit."

Mr. President, the legitimacy of raising money by friends to pay off debts is fully recognized. I am talking about the moral problem. I am not talking about the tax part, which is an entirely different matter. I shall be glad to discuss it. However, I wish to speak about the moral phase. That phase is fully recognized and has been a practice throughout the history of the United States. It started even before Daniel Webster and it is still going on. It is a well-recognized fact that if people think it is to their advantage to hire a fellow who cannot live within his income, that is their privilege. That is what the people of Massachusetts did when they elected Daniel Webster. In Daniel Webster they had one of the most powerful and effective advocates who ever served in the Senate. He was a magnificent lawyer, as well. When he was practicing law he was making a fortune. When he was in the Senate he was losing a fortune. So the people of Massachusetts concluded that they had better keep Daniel Webster in the Senate.

The other day I read an excerpt from a quotation and I do not think that Senators got the full significance. I tried to bring it out in colloquy with the Senator from Massachusetts [Mr. BROOKE], who I think is a magnificent Member of this body, although he serves on the other side of the aisle. I think he is a tremendous credit to the Senate by his every act here and everything that he has done has caused my admiration for him to heighten.

It is difficult to bring out what I was trying to bring out by only asking questions. However, what I was trying to dem-

onstrate was that the people of Massachusetts knew that Daniel Webster was used to high living. They knew that Daniel Webster had made a lot of money in the practice of law and they knew that he was, in some respects, I assume, a big spender. One might say he was a spendthrift, which I might add is not the case with TOM DODD. Daniel Webster could not live on the salary of a Senator and he was not about to do it.

However, the people thought they had to have him here. After he retired they raised the money to send him back to the Senate. They went out and raised $100,000 for Daniel Webster. That was back in 1840. That amount of money would be like $1 million today. They said, "We've got to have old Dan'l back in the Senate. The country is about to go straight to you-know-what. Got to get him back in the Senate." So, Mr. President, they raised all of that money.

One can say all he wishes to say about it. During the course of his campaign some people would sneer at him, "I know why you took that money. I know they paid you all that money." But that did not keep him from being one of the most effective advocates in the Senate and nobody punished him.

If Daniel Webster were here today and if he occupied the chair which is presently occupied by the Senator from California, and which is usually occupied by one who reminds me somewhat of Daniel Webster, in some respects, EVERETT DIRKSEN, or, rhetorically, his successor, I know what the people of that State would say. They would say, "We know about Daniel's spending and his proclivity for spending; we know he spends a lot of dough, but he gets things done. We are not going to ask the people of Louisiana to pay for it. We know he is against Louisiana seceding from the Union. We are going to pay for it in Massachusetts."

I believe Daniel Webster started out by representing New Hampshire and later on he seemed to like Massachusetts and he shifted over. If they wanted to do that with their eyes wide open, knowing what they were doing, that was their *privilege.*

I wish to tell Senators the significant thing in that respect. Daniel Webster has been honored in our time, during my service in the Senate, as no other Senator has been honored. Why do I say that? Well, a while back, and it was within my memory, when John F. Kennedy was a sick man, he wrote a book entitled "Profiles in Courage." In that book he had a chapter that dealt with Daniel Webster.

The late John F. Kennedy was the chairman of a little committee whose task it was to pick five Senators, hopefully the five greatest Senators of all time. Reproductions of those five Senators were to adorn the Senate reception room where we meet our guests. They met and they picked five great Senators.

Daniel Webster, a Senator from Massachusetts, was included in that group, the only Senator from New England. Daniel Webster had, for a short time, served as a Representative from New Hampshire, but he earned most of his fame as a Senator from Massachusetts.

Mr. President, that committee also selected Robert A. Taft, of Ohio. Recall, if you will, that Richard Nixon had some difficulties which he considered a smear attack in his campaign which some have referred to as the Checkers affair.

Well, Robert Taft stood firmly when it was suggested by some Republicans that no Senator such as Mr. Nixon could run for Vice President if he found it necessary to accept outside help to pay for expenses which he could not afford on his meager salary. I am told Senator Taft threatened to denounce General Eisenhower if Eisenhower backed off from Nixon. Nixon had been Taft's choice and Eisenhower needed Taft more than Nixon at that point. I am told that Taft stood stanchly by Nixon and said he had done no wrong.

Here is what John F. Kennedy, great President and great historian, had to say about Daniel Webster whom he, John Kennedy, placed in the reception room:

> And Daniel Webster was not as great as he looked. The flaw in the granite was the failure of his moral senses to develop as acutely as his other faculties.

Listen to this—this is John F. Kennedy faulting Webster whom he still proclaimed as one of the greatest Senators of all times.

> He could see nothing improper in writing to the President of the Bank of the United States—at the very time when the Senate was engaged in debate over a renewal of the Bank's charter—noting that "my retainer has not been received or refreshed as usual."

That sounds pretty bad, does it not?

> But Webster accepted favors not as gifts but as services which he believed were rightly due him. When he tried to resign from the Senate in 1836 to recoup speculative losses through his law practice, his Massachusetts businessmen friends joined to pay his debts to retain him in office. Even at his deathbed, legend tells us, there was a knock at his door, and a large roll of bills was thrust in by an old gentleman, who said that "At such a time as this, there should be no shortage of money in the house."

I hasten to say that I do not think Daniel Webster should have written that letter to the Bank of the United States asking it to refresh his retainer if it expected him to be as interested in its problems as he would be otherwise. I fault him for that, and so did President Kennedy.

But it has been, and it is now, the right of the people, if they choose to elect a man and place him in public office, to proceed to raise money from time to time and make some contributions to his cause, hopefully in small, rather than large contributions.

Mr. President, it seems to me that the thought never occurred to the committee to look into the obvious possibility that TOM DODD and his wife, unable to retire a $150,000 debt structure, did their best to keep it current by paying the older bills first. Therefore, when the Dodds anywhere from 3 to 6 years later, were finally able to pay themselves out of debt with income earned for prior years' legal services for the payment of which eventually came through, with money from contributions to testimonial dinners, breakfasts, and cocktail parties—it may never have occurred to the committee that TOM DODD was merely turning over his debts. If you please, he was paying the oldest bills first, trying to stay one step ahead of the debt collector and in doing so placing the airline, the country club, even the butcher and the grocer, in the shoes of those political creditors whom he had paid out of personal money in an effort to keep his debts current.

Mr. President, I am confident that it has never occurred to the committee to this very day that TOM DODD, having devoted his personal income by the tens of thousands of dollars and even having incurred personal debts in order to retire his politically incurred debts, eventually found it necessary to use politically oriented money to retire the personal debts.

Imagine that. A man with a debt structure of $150,000 trying to live on a salary of $22,500, support a wife, educate six children, provide them a chance to succeed in life, maintain a home in Washington and a home in Connecticut, and pay taxes on the salary all at the same time. That is what the committee would have expected of the Senator.

Now how much of what is left of $22,500 after taxes does this committee think TOM DODD would have had available to retire that $150,000 of honestly incurred indebtedness. The interest on this item at 6 percent if you could get it that cheaply, would be $9,000 a year. Now keep in mind, Mr. President, that while the interest would be a deductible item, not a penny of that debt is deductible.

The ruling of the Internal Revenue Service clearly recognizes that a man in politics can obtain campaign contributions to pay every cent of his cost—direct or indirect—of running for public office—past, present, and future and the money so obtained and used is not to be taxed. The candidate is permitted to use a surplus obtained in one campaign to pay for another campaign. It appears that the Internal Revenue Service will permit money contributed in a subsequent campaign to be used to retire deficits incurred in a previous campaign and that the Internal Revenue Service will permit money raised in a campaign to be spent to pay unreimbursable expenses of the public servant's job.

Not one penny of that money received by the public official is taxable—not if it is received under those conditions and for those purposes. But the tax collector does not permit a politician to use his campaign fund to pay for his personal expenses unless he is prepared to pay taxes on that money to the same extent he would pay taxes on personal earnings.

There is absolutely no doubt whatever that with a proper paper trail to support it, the tax collector would permit a Senator, a Governor, or practically any other person who holds elective public office to devote politically oriented money, raised at testimonials or in campaign contributions, to the retirement of debts incurred in earlier campaigns, even though the bank now stands in the shoes of the original creditors, or, for that matter, even though the butcher now stands

in the position of an original creditor, so long as the paper trail is good enough to identify the original creditor and relate that creditor to the subsequent creditor.

In other words, the tax collector will not collect taxes on the money which is used to discharge a crushing burden of politically oriented indebtedness, even though the debt had been turned over in an effort to keep it current, or in an effort to put it on a better organized or more businesslike basis.

Why is it that the tax collector, by means of a ruling, will decline to tax gifts and the use of those gifts for which the Senate Committee on Standards and Conduct would censure a Senator? If the tax collector thinks it is all right, why did the Senate committee think it was wrong? The answer is very simple. The tax collector has had experience with thousands of poor devils who ran for office and found themselves hopelessly in debt. The tax collector has been confronted with the TOM DODD case in one way or another, sometimes involving hundreds and sometimes involving thousands of dollars, not one time, but hundreds of times. The tax collector has been compelled to think this matter through and to treat all taxpayers alike.

The Senate Committee on Standards and Conduct is confronted with this problem in a very complicated form for the first time.

The Senate committee has given us its own paper trail. What is the paper trail the Senate committee gives us? This paper trail relates to certain obligations and certain payments to certain funds. Even now, I have no reason to assume that the committee yet understands the relevance of the paper trail which I have placed in the RECORD here today. Therefore, I hope I can be forgiven by members of the committee for failing to see the relevance of their paper trail.

Mr. President, the committee's paper trail is a diagram, a chart; therefore, the law does not permit it to be reproduced in the CONGRESSIONAL RECORD. I insist that it be reproduced somewhere so that historians and students of the Senate can compare the committee's paper trail to mine and see who is right—who has the better paper trail and whose is more relevant.

The committee's paper trail simply starts with the first testimonial dinner and shows what debts the money went to retire, but it does not show how those debts were incurred in their incipiency. Their paper trail starts in 1961. Mine starts in 1956. I would say theirs would not be helpful to me in proving what I think is a proper paper trail.

So I ask unanimous consent that my proposed paper trail be printed in the RECORD at this point to show how I think it ought to be.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Example of how paper trail could have been made

Notes receivable (Dodd)			T. J. Dodd campaign account		
1959	(a)	$150,000			
Add interest	(b)	9,000			
Total	(c)	159,000			
1960	(d)	159,954			
1961	(e)	169,551	Testimonial proceeds	(f)	$56,111
1962	(g)	179,724			
1963	(h)	190,507	Testimonial proceeds	(i)	54,664
1964	(j)	201,938	Less 1964 campaign deficit:		
			Expenses $247,937		
			246,290		
			Deficit	(k)	1,647
			Balance	(l)	109,128
			Less unreimbursed costs of office	(m)	101,353
			Balance		7,775
1965	(n)	214,053	Testimonial proceeds	(o)	56,555
			Balance		64,330
Less repayment	(p)	64,330	Less payments to help retire campaign debt	(p)	64,330
Total debt outstanding as a result of 1956–58 campaign		149,723	Balance		0

EXPLANATION OF EXAMPLES AS TO HOW AN ADEQUATE PAPER TRAIL COULD HAVE BEEN MADE

If Senator Dodd would have known that the Committee might have disapproved of the manner in which he kept his records, he could have left an adequate paper trail which would have kept his expenditures beyond question even if he made the identical expenditures that he has made in the case before us.

(a) The first step in constructing an adequate paper trail would have been the opening of a Thomas J. Dodd Campaign Account and the securing of a note from a bank for the amount of his indebtedness resulting from his 1956–58 campaigns. Then he would have used the proceeds of this loan to pay all of his campaign bills and indebtedness. At this stage it would have been clear that the repayment of the note would have been the obligation of the campaign account and that any funds received as a result of testimonials, etc., could be used for this purpose.

(b) At the end of the first year the total amount owing on the note would have increased as a result of interest charges. In this example, it is 6 per cent of $150,000, or $9,000.

(c) This figure represents the total of interest charges and principal at the end of 1959. In subsequent steps the chart figures will show the increased outstanding obligation, but the interest computation will not be shown.

(d) This figure represents the total amount outstanding at the end of 1960.

(e) This figure represents the total amount outstanding at the end of 1961.

(f) This figure shows that the net proceeds of the 1961 testimonial affair would have been deposited in the campaign account.

(g) This figure represents the total amount outstanding at the end of 1962.

(h) This figure represents the total amount outstanding at the end of 1963.

(i) This entry shows that the net proceeds of the 1963 testimonial affairs would also have been deposited in the campaign account.

(j) This figure represents the total amount outstanding at the end of 1964.

(k) This entry reflects the result of the 1964 campaign. Since campaign expenditures exceeded campaign contributions, there was a campaign deficit. The deficit has the effect of reducing the total amount of funds deposited in the campaign account.

(l) This figure is the total amount of funds remaining in the account after the 1964 campaign. It is computed by adding the deposits of testimonial funds and subtracting from that total the net expense of the campaign.

(m) This computation reflects the payment of unreimbursed costs of office—such as telephone expenses over those reimbursed by the Senate, television film clips, and the like—from the campaign account. There can be little doubt that such politically connected expenditures are properly reimbursed from this source. Such payments could be made frequently, but for ease of illustration this chart shows them lumped together.

(n) This figure represents the total amount outstanding at the end of 1965 but prior to the reduction of the debt by the payment from the campaign fund as shown in (p).

(o) This entry shows that the 1965 testimonial proceeds would be deposited into the campaign account.

(p) This computation shows the partial payment of the note which Senator Dodd would have negotiated as described in (a) above. Since the note proceeds would have gone to the payment of political debts, the note is a political obligation and there can be no objection to payments from the campaign fund to help pay the amounts owing on it.

The above computations serve to show that if the loan device had been utilized Senator Dodd could have made the exact and same expenditures as he actually did, and would be completely protected from any allegations of wrongdoing. He did not avail himself of this device, probably because he was unaware of it. He thus spared himself a rather large interest charge, but on the other hand, he has exposed himself to the charge of censure by those who fail to understand that the mere tracing of funds from testimonial or campaign accounts to expenditures which are personal does not mean that he has diverted such funds for his personal benefit.

Mr. LONG of Louisiana. For example, in TOM DODD's case, with the problem he had, the best evidence that he spent the $150,000 in politics, that they were politically incurred debts, was that he was not in debt when he first ran for public office and by the time he became a Senator, he had suffered a tremendous reduction in his income and in his earnings. True, some money from his law practice was dribbling in, but he was not earning much. As I say, it could be presumed that he had been earning $250 a day in his law office. Every day he was away, he was losing that amount.

Mr. STENNIS. Mr. President, will the Senator yield now or at some time on this point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Do I understand now the figures the Senator presents, from which he has been speaking, represent a story that actually did happen in the payment of these notes and obligations?

Mr. LONG of Louisiana. That is right.

Mr. STENNIS. That is the way the matter has been liquidated? These figures represent the way it has been liquidated? Is that correct?

Mr. LONG of Louisiana. No. That is how I would have advised TOM DODD to do it if he had come to me and said, "Look, now, I am going to have some trouble with all these debts. I am going to have not only this trouble but also trouble with the Ethics Committee." If he did so, I would set it up so that I would have him borrow $150,000 to pay off his debts. I would get a note or a series of notes from the bank and have friends of his endorse the notes.

Mr. STENNIS. So, to identify the figures the Senator has presented for the RECORD, this represents a plan, and the carrying out of the plan, as the Senator thinks it should have been done?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. It is not in the realm of reality; it is just imagination, or a representation in here of a machine way, of a plan as the Senator would have handled it?

Mr. LONG of Louisiana. That would have been a good businesslike way to go about paying off these debts with campaign money and to have the evidence we would want, a paper trail he would have to show what happened and to show that he was not using that money for private purposes. This would be so even if he made the exact and same expenditures as he did in the case before us. In the absence of that, it is almost an impossibility to construct a paper trail.

The best evidence that that man spent $150,000 running for office was, No. 1, that he did go into debt, and, No. 2, that he won when he was running against some high-class people.

Mr. STENNIS. The Senator was just identifying the plan. The Senator referred to figures and representations that the Senator from Mississippi and other Senators spoke from yesterday. The Senator understands those figures were taken from the actual records and those figures came from bank accounts and other related records?

Mr. LONG of Louisiana. I know that.

Mr. STENNIS. The Senator understands that?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. To that extent, they are entirely different in concept and reality.

Mr. LONG of Louisiana. Yes. For example, what the committee does on the committee print starts in 1961. The whole problem started, so far as I can see, in 1956, when TOM DODD first ran for the Senate. He ran in 1956 and lost, and he kept running. He really must have wanted to be a Senator. He must have had a tremendous desire to hold that job.

Mr. STENNIS. I thank the Senator. I thank the Senator for yielding to me, and I think he has made very clear the nature of his plan. I have no objection to it being placed in the RECORD.

Mr. LONG of Louisiana. What I am saying is that the kind of figures which I have in my so-called paper trail could have been translated into the kind of figures, the actual numbers, the Senator has in his chart, because the figures I am using are the amount of the original indebtedness of $150,000 and the actual amounts received from these testimonial dinners.

In other words, it could have been set up that way. That would have been a good, logical, businesslike way; then you would have had a bank sitting in the position of all these individual creditors, and you would not have the problem of turning all those debts over, paying off the oldest ones, and then trying to keep up with those you were paying if you had not paid that other one; in other words, if you had done it the way this would suggest, and this was a good way of doing business—completely ethical and moral.

I say to the Senator from Mississippi that some Senator in the future might find this useful, and a good way of doing business. Or you might have done what TOM DODD did—had a bank holding several sets of notes with different endorsers on them.

The left-hand column of the chart shows that $150,000 is advanced by the annual interest, and in the right-hand column is the testimonial money deposited in the campaign account. The chart shows what would have happened if TOM DODD had set his up, his finances, in the way I have indicated, had taken in this testimonial money, and had spent it for the items which he did spend it for. At the time of these campaign expenses in 1964, he would have wound up with a note receivable at 6-percent interest, of $149,000, and a zero left in his campaign account. He would not have a problem to explain to anybody. In other words, he could show all the money he got in he put in the campaign account, on the one hand, and then he could show, on the other hand, "Here is what it cost to carry all these burdens down at the bank, and so, when my friends do go down to the bank to sign a note to borrow money for the campaign, here is the money we took in. Going down the right-hand column, we see that. One testimonial brings in $56,111, the next one brings in $54,664, and then you have some expenses, which result in a balance of $109,000, and after the 1964 campaign, you can reduce that note. You can reduce it by $64,000, the amount which remains in the campaign account.

Here is the important point. Assuming he is paying a good, businesslike 6-percent interest on all this, by the time the man gets through, here is where he would be. He would be, right now, $149,000 behind, instead of $55,000 behind, as shown on that chart over there. Why the big difference? Because he had been paying a lot of his personal income to carry these debts; many of these good people who loaned him money were not charging him interest; and by going through all this turmoil of trying to juggle all these debts and trying to keep them as current as he could, he winds up with a lesser deficit than he would if he had just gone down to the bank and borrowed the $150,000 to begin with.

He could have done a little better than that. He could have kept the interest expense down by constantly transferring from his campaign account money to pay on the note. If he had done that, he would have been less in debt, perhaps only about $100,000 in debt.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Did I understand the Senator to say that as far as the Internal Revenue Service is concerned, there would be no tax liability if the testimonial proceeds in the right-hand column were used to apply against the indebtedness in the left-hand column? I believe I understood the Senator to make that statement.

Mr. LONG of Louisiana. There would be none.

Mr. MILLER. There would be no tax liability?

Mr. LONG of Louisiana. No.

Mr. MILLER. Did I understand the Senator to make the assumption that the left-hand column represents all politically oriented indebtedness?

Mr. LONG of Louisiana. Yes.

Mr. MILLER. If that is so, then I am sure that this has nothing to do with the matter of paying of income taxes.

Mr. LONG of Louisiana. No; this does not get into the income tax problem, but I will be glad to discuss that with the Senator if he wishes. I am on the committee and we have studied it, and I think I understand it. If the Senator wishes to discuss it, I will be glad to discuss it with him.

Mr. MILLER. May I just ask the question: would it not be the Senator's position that if, let us say, $10,000 of income tax were reflected in this left-hand column, that when the testimonial proceeds were used to liquidate that item, that would be a taxable item?

Mr. LONG of Louisiana. I did the Senator an injustice. My lawyer was talking to me while the Senator put his question, and I regret that I will have to ask the Senator to repeat the question. I appreciate his indulgence.

Mr. MILLER. My question is—and this, again, is hypothetical—if the $150,000 indebtedness represented in the left-hand column consisted of $140,000 of politically oriented indebtedness, and $10,000 used to pay individual income taxes, if the testimonial proceeds in the right-hand column were used to liquidate that indebtedness, the $10,000 which went to pay the income tax indebtedness would be taxable income, as far as the tax law is concerned; would the Senator not agree with that?

Mr. LONG of Louisiana. I believe that all depends. In other words, here is what I am saying—and you must keep in mind this idea of carrying your debts over, because if you do not, you will not understand my argument at all.

Mr. MILLER. I understand the debt carryover.

Mr. LONG of Louisiana. You can do that with any debt, including the income tax.

Here is what I am talking about: Say, here is a bill that I owed for the campaign. I have two bills; this one is about 3 years old, it is beginning to smell, I had better do something about this one in a hurry; these folks are threatening to sue.

So I go and pay that one off.

Unfortunately, that was a political one. And it would appear that the whole theory of the Internal Revenue Code is that I am not supposed to pay those campaign expenses out of my personal income, perhaps on the theory that to have it that way would mean that the rich man has too much advantage over the poor one.

So I say to myself, "This fellow is going to sue; this other old boy has been a good friend, and he is in good shape financially, so I am going to write down here on this bill—a butcher bill—that it is a bill I would have paid had it not been for my having to pay this soundtruck driver over here, because he was demanding his money. That poor fellow needed it the worst kind of way."

As it now stands, this butcher stands in the position of my soundtruck driver, and if I ever get ahead and get out of debt, I am entitled to take some campaign money on which no taxes have to be paid and apply that money to pay off the butcher.

I am satisfied we can do that.

Mr. MILLER. Mr. President, I understand that. However, let me try to give an example which will point up my original question.

Let us say that the $150,000 which is the first item in the left column was originally made up of all of these bills.

The Senator said we are going to take all of these bills and consolidate them into one $150,000 debt at the bank. That is the sensible way to handle it.

My point is, out of all of these bills, here is one represented by a note.

Let us say I am the person involved and I have given to my colleague, the Senator from Kentucky [Mr. COOPER], a note for $10,000 which he has loaned me to pay my income tax.

I later say I am going to consolidate all of these bills into one $150,000 debt and get JOHN COOPER and all of the other people off my back.

That is what the Senator said.

When the day comes to pay off the $10,000 which is attributable to indebtedness to Senator COOPER for the loan of $10,000 with which to pay my own income tax, I suggest to the Senator from Louisiana that at that time, even though these are testimonial proceeds, I am subject to income tax on that money as distinguished from the liquidation of an indebtedness that was politically oriented.

That is the point I am trying to bring out.

Mr. LONG of Louisiana. There are nothing but political debts in the $150,000 which is listed on the chart I have as the Senator can see. That is all there is, just political debts.

Mr. MILLER. I understood the Senator. That is why I said that I assumed that when the Senator said the testimonials on the right were not going to be taxable if they were used to liquidate the indebtedness on the left, it was because all of the indebtedness on the left is a politically oriented indebtedness.

That is why I said I assume that he would not include any individual income tax related indebtedness.

Mr. LONG of Louisiana. May I say that here is where I think the committee is confused, if I am right, and I think I am.

I do not care what he did, including the income tax. When a man starts out, he is debt free. He does nothing but run for office, and finally after 3 years of nonstop running he gets the job and is $150,000 in debt.

We have been using the doctrine of res ipsa loquitur around here. It is obvious to me that the thing speaks for itself.

The man is $150,000 in debt because the money the man spent in paying political debts or personal debts, as the case may be——

Mr. MILLER. I point out that that is the very point. Political debts involve no problem. However, personal debts, as the case may be—to use the Senator's words—is the crux of the matter.

If the personal debt represents individual income tax, that is something else.

I know that the Senator is very knowledgeable in this field. However, let me invite his attention to the fact that we in tax work know there are net worth cases. I am sure the Senator knows that there are such cases.

In a net worth case, when at the beginning of the tax period an individual's net worth is actually more than his net worth at the end of the taxable period, the average layman might say: "I am worth less than I was 5 years ago. How can I possibly owe any income tax?"

The Senator knows that in the net worth system there are many things that enter into it. There is income, personal living expenses, and income tax payments

I think that this is very important. I am ready to accept this assumption on the politically oriented base, but it does not satisfy the question I raised this morning concerning the income tax.

Mr. LONG of Louisiana. Let me see if I can cover this. They are two different things, and I will be glad to talk about either one of them.

I think we need to understand each other.

I contend that a man, and this man in particular, had the money he needed to pay his income tax when it came due.

He used that money to pay for political expenses. So then when the income tax people began to bear down on him and said: "We want this money now. We have let you ride as long as we can," he went around and borrowed money to pay the income tax people. He took political money to pay that income tax.

Why? I contend there is nothing ethically or morally wrong about that at all. And I am not talking only about the tax part at the moment. I am just saying that he had put the butcher, barber, baker, and the candlestickmaker in the position, by turning his debts over, of the soundtruck driver, the fellow who agreed to loan him some money on his personal note.

So in trying to keep his debts current, he had put all these different people, including the Federal tax collector, in the position of those to whom he had previously owed the political moneys. He spent that money, so the money which he would have used to pay the income tax was not there. That being the case, he had to borrow it from the bank. If he had gone to the bank and borrowed all the money in the first place, as I set up in my paper trail, he would not have had that trouble.

Mind you, we are not talking about a tax problem. That is an entirely different matter. There may be taxes owed. You owe money on personal income. You do not owe money on political income so long as you use that political money to pay off political obligations. I do not believe he even owes taxes on it. But where you turn it over—the debts are getting old—you take money that you would have paid somebody else and use it to pay the political debt in order to keep your debt structure as fresh as you can. Then you are in the unfortunate position of having used political money to pay your personal debts.

This man started out by using his personal income for political purposes. Everything he could earn and borrow he used to pay for political debts. If he ever is going to get out of the hole, he will have to do it the other way around. He will have to use political money sometime, somewhere, to pay what appears to be a personal debt. But it is a politically incurred debt in its incipiency.

He should say, "When I paid my old buddy Paul this $30,000, I borrowed that from Peter. This is the money I used to pay off Peter for the money he loaned me back in that campaign. The note began to get kind of old and began to smell, and it was about time to pay that one, and I'll see if I can find another friend to lend me money to keep things going."

If he had had one creditor, the bank, owed it all to one, there would be absolutely no problem. Frankly, if he had realized that he was going to be before the Ethics Committee, he would have been in a position to beat the Ethics Committee. He would at least have some kind of paper trail.

Mr. MILLER. I understand. But I believe that the essence of what the Senator is saying is the phrase "politically oriented debt."

For example, I go back to my original proposition. Here are $150,000 worth of bills or notes that are going to be consolidated into a $150,000 note at the bank, if we are going to pay them all off. Let us say they only amount to $140,000.

Then the individual has some private income, perhaps a part of a carryover of a law fee, and he decides that he will pay off a politically oriented debt which he owes. Then someone may call him up and say, "Say, you forgot that you owe $10,000 in income tax."

Then he will have to go out and borrow money to pay the income tax. Now his debt is $150,000. If he had only held on to the original income, so as to be able to pay the income tax, instead of paying the political debt, he would not have had to worry about borrowing money to pay the income tax.

But if I correctly understand the Senator's approach, he had actually taken his individual income to liquidate the political debt. Then he found himself with

a $10,000 tax liability, and now has to consolidate not $140,000 but $150,000.

Mr. LONG of Louisiana. Please understand that of the money I show on the chart, not a dime is taxable. In fact, the interest expense is deductible.

Mr. MILLER. I understand. I am not satisfied with the fact that he had some other income, perhaps from a carryover of a legal fee, to liquidate some political indebtedness, as a result of which he left himself open to pay a $10,000 note on which he had borrowed to pay his Federal income tax. That makes the $10,000 note politically oriented, because I suggest, respectfully, that when the testimonial proceeds are used to liquidate the $10,000 note, covering the income tax, income tax will have to be paid on it.

So instead of $140,000 being consolidated, he now has $150,000 to be consolidated, $10,000 of which represents Federal income tax.

Mr. LONG of Louisiana. What he should have done, and what I have advocated, as the Senator from Iowa can so well see, is this: I would have advocated his consolidating all those debts into one. He would have had all these debts consolidated, if he could get a bank or a group of banks to help him to consolidate. Say he owed some fellow $30,000. If need be, he could try to get that fellow to bring his note to the bank. If he owed a proliferation of creditors, it would be better to get them all to be endorsers of the note for the same amount at the bank which lent the money to him. Then they would get out of the picture.

When the debts were all set up in the bank, in one place, people could look at them and see how he incurred them.

Then when he set his testimonial money up, as shown in that chart, he would have no problem. He would never have any problem with the Senate Ethics Committee or the tax collector. He would have no problem.

Every time he got some political money, he would put it in the campaign fund. If he wanted to hold down the interest cost, he could transfer some of the money and reduce the amount of the note. He would have no problem, and he would have a perfect paper trail.

But there are other ways to leave a paper trail. He could make it the way a housewife leaves a paper trail. He could pile his bills up and put the oldest bill on top and the newest bill on the bottom. He could say, "Now, look here. Here is a bill we ought to pay. It is a political debt." He could write, "This month we couldn't pay the doctor's bill. We took that money to pay off the soundtruck driver. That is one we took care of."

Then he could say, "If we ever get enough political money in, we will pay off the doctor. That will be the money we would have used to pay the soundtruck driver, if we had not had all that trouble."

So he would proceed with the bills, one by one. He would take one off the top and keep the newest one on the bottom.

In the meantime, some fellow might be raising all sorts of stink, and his note might be right in the middle of the pile. So it would be necessary to change the system and pull that bill out.

Then, it is said, "Gee, that is too bad. This month we should have paid the grocery bill, so you mark on the grocery bill." If you keep these bills, you mark on them, turn them in and keep your records, and turn them over. Then there is a paper trail, anyway. It would cut down the interest expense. Most people who loan money for politics are not charging interest, or the interest might be compromised. That is the only interest, anyway. They would tend to be charitable. If you kept your paper trail you would be in good shape.

Mr. President, the situation did not start with Daniel Webster and it did not end with Daniel Webster. If your people want to help you, that is all right. They have their privilege and you can accept and have a dinner and not be doing something improper or corrupt. They are only expressing gratitude for what a fine Senator you have been.

We had that situation with Richard Nixon. He won the nomination as Vice President and his people thought so well of him that the Republican Party nominated him for President. If he had not made the mistake of going into the debate with John Kennedy, or if he had brought Eisenhower out a month earlier, he would have been the President, with the complete support of everybody—on the Republican side of the aisle, that is. He is an honored and respected man who at one time had expenses with which his people were anxious to help him. At that time, the Democrats were trying to needle him about $18,000. I have been told they might have been able to dig up more than that, but they said, "What's the use," after he went on the radio and talked about his dog Checkers, and had everybody wiping tears away. The Democrats said, "Let's get on to other issues."

I cannot understand how someone would accept the word of this man in Connecticut, who wrote in and said, "I did not know that TOM DODD was raising that money for himself; I thought he was raising that money to pay for a campaign." Keep in mind the tax collector knows it is right and so right he will not charge you taxes on the money. You take the money you have for one campaign and you use it to pay the deficit in previous campaigns, or vice versa, and so you can take campaign money and actually use that to pay unreimbursed office expenses if you want to.

That is within your privilege. I can understand this. It may be that the fellow thought he could advertise as Jack Anderson had been advertising that TOM DODD was gypping the folks out of money; so he wrote the Senator from some motel address and said, "I want my 25 bucks back," and he was given the money back. TOM DODD could never figure out where that man came from, or where he went to. I can understand that he might complain there.

Let me ask the Senate this: Does it think that these sophisticated lobbyists that go to cocktail parties in Washington, D.C., were upset if that man was paid back his $25? But if we used some of the money put up by these sophisticated people, let us not kid ourselves.

Why do they feel that way? If they are going to put the money up, they are going to put it up for a good Senator who is going to be reelected, and they have clients who pay them fees and who work with them and who are business associates and who represent the State, men who think it will be very good for their industry. When those people come up and want to put money up, let us not kid ourselves, they will not tell you how you are going to spend that money.

Someone said, "You should advertise your intentions, tell people what this is all about." Well, how does one advertise? I have never had a fundraising dinner in my honor in my life, but I have helped to put some on for someone else. I did not ask one question. The question is, "Do I like old John Doe? Is he a good fellow? OK, I will buy a ticket." I tried to help one candidate, and after it was all over, and with all the money he raised, and the fundraising testimonial dinners, he lost the race anyway and almost bankrupted all his friends in so doing.

We would not hear the end of it, trying to raise some money for John Doe or some for TOM DODD—I do not care who the fellow is who is deeply in debt. We are worried about that because he owes $150,000. People who worried about this situation said, "If you are going to be reelected you have to get some of these debts paid off. You have to start getting out of debt. If you start that campaign $150,000 in the red, having importuned everyone in your State, you have to try to bring in some money to pay them off."

As in the case of the sheriff, the first thing you have to do is to pick up a note down at the bank so that the friend of the old sheriff will not call in the note. The first thing you had better do is see if you can raise some money and get this fellow out of debt.

So I guess what you have to do is to send out an invitation to a testimonial dinner and say, "You are invited to come to a nonpartisan testimonial dinner honoring that great Senator from Connecticut."

Some folks will then say, "I don't get it. Why is DODD trying to get money? He is not up for reelection for 3 years. TOM DODD isn't running this time." So you say, confidentially, that the fellow is in debt, that he has got a hundred and fifty thousand dollars in debts to pay off which have been left over from the previous campaign, and if we are going to reelect TOM DODD, we have to get him out of debt.

But suppose you did it like this—"Please help this guy. He cannot live within his income. He owes everyone from the butcher to the drugstore. He has borrowed from everyone who would like to help him. Many have proposed that he write them off as bad debts.

He owns nothing but his home because the wife has the right of homestead. There is a mortgage on it. The fellow is behind on his payments on that, too, because he is trying to pay off some debts.

Suppose you put that in your invitation, how much money do you think you would bring in?

People would say, "A guy like that should not be in Congress. If he cannot manage his affairs better than that, he shouldn't be there."

So you say, "Tell the folks that we have got to help get our man out of debt."

These are good people. They were not doing anything wrong. They were proud to do what they were doing, and were ready to do it again. They wanted to get their friend out of debt once and for all. They did not want the Senator to leave his wife with no home, because the home was so deeply mortgaged that they could not pay it off. That is why we must get our man out of debt. We must help our friend. That man is $50,000 in the red, which does not include the interest on that money, but it is $45,000 of personal money that he has had to spend.

Here this man is, having paid out $55,000 of $70,000, out of his own pocket—which he cannot afford—to carry the burden of all these debts, and is being accused of being a crook when as a practical matter he should be applauded because he tried to turn those debts over and tried his best to pay them off. He did the best he could and he should be applauded, yet the fact that the man said, "Look here, my wife has made enough sacrifices. I am going to get out of debt. I am not going to leave my wife and children with all those debts. I am not going to ask for living expenses. All I am going to ask for is help to find enough money to pay off these debts. So, after having paid $55,000 out of my own money, I will pay those debts. But, by golly, I say, hooray now. My wife owns her own home. Hooray." What is wrong about that? Do you not think a wife is entitled to something after she puts up with a politician for a lifetime, with the unreasonable demands of some of his supporters in his State? Here is a man who tries to help do what he should have done. How do we know, if she had not married this fellow, she might have married a millionaire and never had to worry about money.

There she is, with the prospect that the good Lord may call him home any day, with the prospect that she will never be able to pay the debt off. A proud, wonderful person, who expected something better from life than have her husband saddle her with that kind of sacrifice.

So the man does the honest, decent thing, and he gets into trouble. How does he get into trouble? In the first place, he hires Michael O'Hare, a complete crook. He is a crook, so he thinks everybody else is a crook. He writes money orders to pay TOM DODD's debts to keep people from tracing where the money came from. It takes money to buy money orders and send them out. Mr. President, what do you think a sophisticated businessman who has contributed his money to a politician, as most of them have, is going to say if TOM DODD paid him back with a money order? He would say, "Did you see how TOM DODD paid me? By money order. He has money tucked away somewhere, and he digs out some of it, and buys postal money orders." What would people think when they saw that?

So the result of the whole thing is that here is a situation where nothing was wrong in the first place. Nothing wrong was done. A fantastic, determined effort was made to try to make it appear that something was wrong.

Mr. President, if you want to escape Daniel Webster, you had better leave by the rear door, because if you go out that door, there is another picture of Daniel Webster big as life near the Senate steps. Everybody knew what his problem was. People were willing to help him.

Mr. President, the committee has 400 sworn affidavits of people who contributed more than half of that money. Those people are sticking their necks out. They were sworn before notaries public. The committee has 400 sworn affidavits that the people who put up more than 50 percent have said, "As far as we are concerned, we put that money up for TOM DODD. We want him to use it any way he wants."

As a matter of fact, Mr. President, counsel for the committee went to the mayor of a large city in Connecticut and tried to get an affidavit from that mayor that he was disappointed to learn that TOM DODD used the money to pay a personal debt. They went to that Republican mayor up there and said, "I bet you are disappointed that TOM DODD did that. Will you sign an affidavit to that?"

The committee makes reference to the fact that these were form affidavits. They were sworn to. But the committee counsel asked a Republican mayor of a big city if he was disappointed about this matter and if he would sign an affidavit to that effect. He said, "No; I am not going to sign that. I won't sign at all. I will give you an affidavit."

So he wrote out an affidavit saying, "I gave money to TOM DODD. I knew he was in debt. I am a Republican. He is a Democrat. He is a fine man. I know the fellow needs help, and I am glad he got it."

That is one of the affidavits the committee council got.

Incidentally, I put that affidavit in the RECORD. I do not know if it had been shown to the committee, but it did not refer to it in its report. I hope that its failure to do so does not suggest a feeling on its part that if one is prosecuting, he does not have a duty to present evidence that shows a man's innocence.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. As far as I know, I did not know that the committee ever sent anyone to Connecticut to attempt to get any affidavits from anyone who claimed they did not understand the purpose of the meeting, or any effort to hold back any evidence which would have been either favorable or unfavorable to Senator DODD. I would just like to make that statement.

Mr. LONG of Louisiana. I thank the Senator. I am sure he would not do that. I do think, however, it might be well for the Senator to know that committee counsel undertook to get affidavits in Connecticut, with no success whatever.

Mr. STENNIS. Mr. President, will the Senator yield to me on that point?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. I know the Senator believes he is fully correct in the statement he has made.

Mr. LONG of Louisiana. I will take the Senator's word for it.

Mr. STENNIS. Here is what happened. In going into Connecticut, the counsel and his assistant did take some affidavits regarding some of the facts in the matter, but not any with reference to the diners, the people who went to the dinners, as to whether or not it was a campaign contribution. No affidavits were taken along that line. We had a lot of different facts to look into in Connecticut. To nail something down, to have something as a starting point, they did take some affidavits, quite a few, in the midst of the work, but that was merely for the purpose that I have outlined.

Mr. Fern tells me that some were given voluntarily in the course of his visits up there on the matter of what the diners, the guests at the dinner, thought, but we did not solicit them along that line, but on other matters that were presented. None of those reports were used or put into the record.

Mr. LONG of Louisiana. Mr. President, may I say I find no fault with the committee. All I wanted to do and all I was getting around to do—and I am afraid I gave a poor impression of the committee; I do not want to; I insist that I not do it—all I am saying is that the committee did send up a man to investigate in Connecticut. It was the view of TOM DODD's lawyers, in view of the information that came back to them, that that man was getting a lot of information up there that was favorable to TOM DODD. TOM DODD never got that information from the committee. Feeling that the committee was getting information that was helpful to them, but was not giving it to them, they felt they were getting by all right. Apparently there was some effort being made to get affidavits against TOM DODD.

I was told also, may I say to the Senator from Mississippi—and I do not wish to mislead anybody——

Mr. STENNIS. I am sure the Senator does not.

Mr. LONG of Louisiana. But I do know that the affidavit was from a Republican, and a very fine man.

Mr. STENNIS. These gentlemen did talk to some of the officials of these breakfasts or dinners, or whatever they were, about their versions of the purpose and all. But there was no suggested affidavit, or no going around looking for person after person after person, trying to obtain an affidavit, no form or anything of that kind ever used. There were many matters about which inquiries were made in Connecticut, some of witnesses who were not expected to be friendly with the purposes, but naturally, you see what a fellow says, and you go on, then, and do not blame him; and we were treated mighty nice by the people of Connecticut.

Mr. LONG of Louisiana. Mr. President, I would just like to say this, because I do not think anyone sees the purpose of what I am trying to say here, and it is very important to me: The committee was not anxious to use these affidavits. They were not anxious to use either the

ones TOM DODD raised or the ones they raised.

This affidavit put into the RECORD yesterday was from the mayor of Hartford. That was given a year before the Dodd lawyers knew about it. It appears at page 15689 of the RECORD.

The committee apparently felt that *these affidavits* had not been subject to cross-examination, and therefore should not be admitted. My only reaction to all that is that, in view of the fact that it would be very difficult for the committee to go and see all these people personally, it probably was a good idea for the committee counsel to go up there and talk to as many people as possible, and maybe even hire some assistants and obtain a number of affidavits, and find out what the people thought, and then bring a representative number of those people down here to testify about what they generally thought about the situation.

It is very important to this case, at least from my point of view, that affidavits from 50 percent of the people, over 400, who attended the dinners *stated*, subject to prosecution for perjury, that they put this money up with the idea that it was all right for TOM DODD to use it however he wanted to.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly before he leaves that point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. About these affidavits, the rule of the committee was that this case was to be developed, not by affidavits at all, from either Senator DODD or those who were on the committee, none whatever, but that it would have to be by sworn testimony, taken in the presence of the Senator with the right of cross-examination, and so forth.

We rigidly adhered to that rule all the way through, unless there was some minor exception, to accommodate a witness, when the exception was made by agreement. Then these affidavits were brought in, to which the Senator has just referred, from Connecticut.

They were proved to have been inspired by those working for Senator DODD, and to have been form affidavits all the way through. The wording was not the wording of the affiants, but they were there, and they were offered in good faith, and we decided to accept them for whatever value they might have, as an exception to the plan of the committee as to how to develop this case.

We did weigh them, for such weight as we thought they were entitled to under all the circumstances, as compared to the proof that we developed as to what happened at the time, what the people said, what their letters said, what the invitations said, who the speakers were, what the letter of thanks was to those who had contributed as speakers, the fact that the Vice President of the United States, in some instances, attended; and we tried to reproduce the facts, circumstances, the atmosphere, and all that existed at that time, as best we could.

We thought that was the best proof available, although we did open the door to ex parte affidavits without any right of cross-examination for the reason that I have stated, wanting to be on the liberal side rather than restrictive.

That is the story, as I remember it.

Mr. LONG of Louisiana. Mr. President, let me say in my view it does not make the least bit of difference whether you call all of these dinners campaign dinners, or not; I am perfectly willing to call them all campaign dinners.

EVERETT DIRKSEN, the outstanding witness in the Stratton case, said that it was the donative intent that counted, and if people wanted to put some money up to help a fellow in public life, that that was his money and he could do what he wanted to do with it. The Internal Revenue people are going to want some tax money if you use political money to pay personal expenses; they are going to tell you, as far as they are concerned—and they have no law on it, only a ruling which they have made stand up—that if you use political money for your personal expenses, you must pay taxes on it. They are going to fight you until they get their taxes.

But if people want to get together and help you, I certainly would not denounce them. There is no law against it; there is no rule against it.

We are told that we ought to regard ourselves as though we were the executive branch. Nothing could be more wrong. The executive branch represents the whole United States. One man makes a decision, and that is it. If you give a Cadillac automobile to that one man, naturally, for that one Cadillac automobile, that one man might sign a contract to give General Motors something, or might do a big favor for somebody.

I would say it would be entirely different and would call for a different set of standards if somebody would give a new car to a man who was going to decide who got a cost-plus-a-fixed-fee contract with the donor.

I recall very well that my father once went to my mother and asked her to sign a wife's waiver of homestead on the house so that he could mortgage the house to the hilt to put the money in the campaign. My mother refused.

I recall very well that there was a time when my father wanted to sell the house and put the money in the campaign. On that occasion, I believe it was my plea that turned the tide to save our home.

Men in politics, the political animals, impose sacrifices upon their families that are not quite fair. They do it not because they love their family less, but because they love public service more. They love the Senate, and they seek to be here and to serve.

They find they cannot make ends meet and cannot carry on any longer. They have done the best they can. They are deeply in debt.

Their friends come to their aid and want to help them out. What is wrong with that? How did they ever get here if they did not have friends who loved and supported them and would get out and make sacrifices to help them?

How did they get here?

Here is a fellow who is head over heels in a politically oriented debt structure, political at its inception.

The man makes an effort to get things current, and perhaps not having tried to paper the trail as one would like to have done, he is up for censure before the Senate and he is criticized.

All of this could have been no problem and there would have been no criticism had it not been for the corrupt activity of four people—I should say five—who stole the man's documents and engaged in a conspiracy to put him in a bad light and picture him as a horrible man when he is not. There have been all of these distortions over a period of 18 months with regard to which the man faces a charge of censure by the Senate because he tried to do what any honest man ought to do for his family—get out of debt.

It was going to be necessary, if he were ever to get out of debt, for somebody, some friends, to get together and raise some politically oriented money to help get him out of debt.

How indeed could a fellow ever have made another campaign in the future if he did nothing about those debts that were 6 years old? They would say he was the biggest deadbeat in New England, and he could not get elected.

Mr. STENNIS. If the Senator is at a proper stopping place, will he yield to me once more concerning the affidavits? The Senator has been very kind. I have not gotten around to saying anything about the affidavits myself.

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. If I may, I will give these figures as to the way in which the committee tabulated the affidavits.

If, in the blank space on the affidavit, the affiant certified that he went to two of these functions, then he was counted as having been at two. If he said that he was at three, we counted him as being at three. And of course, if he said he was only at one, he would be counted as being at one.

Under those tabulations for the 1961 debt, the best figure we could get was 700 who attended, and there were 123 affidavits, counting as I said, the duplicates when it was proper to do so.

At the District of Columbia reception, there were 10 out of 150. In the 1963 Connecticut events—there were four on the same day—there were 117 out of an estimated 600.

At the 1965 dinner, there were 300 out of an estimated 1,000 who attended.

I thank the Senator for yielding.

Mr. LONG of Louisiana. Let me say that when that information is available to the Senate, people can take whatever view they want, but my attitude is that if I am defending a case—and after all we have some obligation to a Senator to assume that the man is honest and cooperate and help him to prove it—if a man brings me 400 sworn statements of people who swear that as far as they were concerned the money they gave could be used for any purpose, I do not care if it is a form statement.

The oath that we take is a form statement. It does not make us any less sincere about upholding the laws of the country. That is our affirmation.

I understand that Jack Anderson was up there trying to tell people that if they signed the affidavits, they would be prosecuted for perjury. He was doing this over the radio.

I would think that you ought to either stipulate that that is what those people would have testified to if they had been here, or else call them and find out.

After all, we have the honor of a Senator involved and we have a political life involved here.

I have here a Times Picayune report that I hope the Senator from Illinois [Mr. DIRKSEN] will not mind my referring to.

I will read from the article. This refers to EVERETT DIRKSEN testifying for the former Governor of Illinois in a criminal tax case. It reads:

Dirksen, the minority leader of the Senate, was a telling factor for the defense when he asserted his opinion on the nature of political contributions: "I think it is a matter of donative intent," he asserted. "If he—the donor—places no restrictions on them, then the recipient is free to use them as he sees fit. It's a matter of individual judgment."

"It's a matter of individual judgment." That is EVERETT DIRKSEN speaking and saying that a politician can use such gifts as he sees fit. That is what EVERETT DIRKSEN apparently said to the court in the Stratton case.

EVERETT DIRKSEN would be a good witness. He is a member of the Finance Committee. He is the minority leader of the U.S. Senate. He is an outstanding Senator in his own right. He has been in government all his life. He understands the problem.

He said it would be a matter of the donor's intent and that if the donor gave you this money and placed no restriction on it, you could use it for whatever purpose you desired.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I will yield in a moment. I want to read one more paragraph.

Mr. MILLER. I would like to ask a question while the Senator from Mississippi is present in the Chamber.

I believe I am right when I say that this matter of the Stratton case is a matter involving a question of willfulness.

It involves the question of whether there was a willful intent. My recollection is that it was decided that there was not.

I may be wrong, but I do not understand that this case has been developed by the Ethics Committee on a question or basis of willfulness.

I ask if that understanding is correct.

Mr. STENNIS. Just what does the Senator mean by willfulness?

Mr. MILLER. By willfulness, I take it in the accepted legal term of a bad intent, knowingly, willfully bad intent, doing something that the actor knows to be wrong.

As I understand it, that is not charged by the committee. Rather, it is charged by the committee that there were certain actions, regardless of the intentions behind them, which caused a problem and caused a loss of reputation as far as the Senate itself is concerned.

Mr. STENNIS. The committee certainly had no feeling of larceny having been involved, or anything of that nature. The best way I can describe it is to say that we felt that, taken as a whole, there was a course of conduct that converted these funds over from the general purpose for which they were taken in, which was political and toward campaigning, and used them for a personal debt or personal benefit or personal use. That is the best way I can describe it.

Mr. MILLER. I understand from what the Senator has just said that he has very carefully not said anything about maliciousness.

Mr. STENNIS. No.

Mr. MILLER. Nor the willfulness nor the intention to do wrong on the part of the actor. But it is a course of conduct the result of which the committee suggests has caused disrepute to the Senate.

Mr. STENNIS. I believe that is correct. I said in my opening statement that conversion was used in the old common law of England, under certain circumstances, as a crime, but that I was not using it in the sense of a crime. It was a conversion that, everything considered, we considered wrongful in the context of the political collection and the use on a personal basis.

Mr. LONG of Louisiana. I should like to read into the RECORD a portion of the newspaper account of the Stratton case, in which Senator DIRKSEN testified:

The government produced evidence of spending by Stratton for oil portraits of himself and his second wife, Shirley; for a European trip for one of Stratton's daughters; for household furniture, for his wife's and daughter's clothing, including evening gowns, for purchase of a riding horse for a daughter, Christmas gifts, construction of a commodious lodge at Cantrall, Ill.; on keeping up a houseboat, and remodeling of his mother's Morris, Ill., home.

And though the senator said he had never spent political funds on housing or clothes for himself, "I believe if one wanted to use contributions for that, he could easily sustain a case for himself."

In other words, I contend that until we set forth a standard of ethics on this matter which we should do, we have no business having one code of ethics for one man and a different code of ethics for another. The same code should be in effect for everyone.

We have no business putting the picture of Daniel Webster in a place of honor in the reception room, as one of the great Senators of all time and putting his picture twice the size of life on the way out of the Senate Chamber, when he had to accept a great deal of money with the people well understanding that he could not live on his salary and he would have to have help. They were glad to put up whatever was necessary, because they thought he was a great Senator, and indeed he was.

We had a parallel when people thought it necessary to elect Richard Nixon, and he was by no means the only Senator or Member of Congress who at one time or another people have helped. I do not care whether it is a television set, an automobile, or anything they want to do to help him. They want to get together and help some fellow who cannot stay in office unless some money is raised for him.

There is no such standard of conduct at present and never has been. When did it start? When did the requirement start that you cannot have a dinner to raise some money to help a devoted public servant, who is making a great sacrifice to stay in government and who cannot meet expenses? When did we make that rule? If you want to make it, all right; but let us try people under it prospectively.

We need not rely on the Daniel Webster case. We need not rely on the Stratton case. We need not rely on the Richard Nixon case. All we need rely on is the fact that a man is entitled to pay political debts with political money and that we do not have much of a paper trail. The Senate has never had the problem before and this is the first Senator to be so betrayed by his office staff.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. THURMOND. Mr. President, I should like to inquire of the Senator if he and the committee are together on the exact issue in this matter. Is that issue this: that the Senator from Connecticut used for his personal benefit funds collected from testimonials, and that this was per se wrong and brings the Senate into disrepute; or did the Senator from Connecticut use for personal benefit funds collected at testimonials when people contributed those funds for campaign purposes, and therefore deceived and defrauded the donors?

I should like to know whether the distinguished Senator from Louisiana and the distinguished chairman of the committee are in accord on which is the issue. Does the committee take the position that if the funds were contributed for testimonials, they could not be used for personal use; or does the committee take the position that the funds collected at the testimonials deceived the donors?

Mr. STENNIS. The Senator's last question was addressed to me. If the Senator from Louisiana will yield the floor, I will answer.

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. In the choice of words, over and over there may be some variation in what one says each time. The committee believes that, as a whole, considering the atmosphere of all these meetings—the invitations sent out, the notices given, the press writeups, those who were on the programs, and the letters in some instances that expressly said "We must get money for the campaign deficit," and others that said, "We must raise a chest for the forthcoming election"—all those things coupled together, the atmosphere and the time, gave a special trust to this money, that it was in trust for political purposes.

To me, the word "testimonial" does not have an exact meaning. It does not have a legal meaning—testimonial dinner. But we believe that all these funds were wrapped up with a trusteeship to the Senator, to be used only in connection with his campaigns and matters related thereto. That is proved by the way the committee tried to classify some of these individual items. That is the way we tried to prove our viewpoint and what we meant—classifying political or political-personal, and where they were not charged to it. We believe that under that trusteeship the money was diverted or converted, not with criminal intent, but nevertheless, as a fact, to purely

personal uses; that, as a sitting Senator, that tended to bring the entire Senate, as an institution, into disrepute.

(At this point, Mr. HART assumed the chair.)

Mr. DODD and Mr. LONG of Louisiana addressed the Chair.

Mr. THURMOND. Mr. President, as I understand the distinguished chairman's position, it is that these testimonials were held, in reality, to raise funds for campaign purposes and, therefore, when the Senator from Connecticut used those funds for his personal benefit he was using trust funds and because he did that he brings the Senate in disrepute. Is that correct?

Mr. STENNIS. I stated it the best I could, and I have on two or three occasions.

Mr. THURMOND. I would like to follow that up with this question:

If the record were clear, if there were no contradictions and no evidence to the contrary that the testimonials had been held but strictly for the benefit of the Senator from Connecticut, and nothing had been said about campaign by anyone, strictly for his benefit, would the committee have brought charges similar to these?

Mr. STENNIS. I must ask the Senator to excuse me from answering that question. We had such a different case on all of this proof and stipulations that we passed on, I do not think I am authorized to say what the committee would have done under different circumstances.

Mr. THURMOND. What I am trying to get at is whether the committee is basing its case, if you wish to call it a case, on the theory that the Senator from Connecticut misled and deceived donors and, therefore, was guilty of fraud in obtaining the money, or whether it was improper per se to hold dinners called testimonial dinners and to use the money for anything but campaign purposes.

Mr. STENNIS. I am not trying to avoid the Senator's question, but I believe, in my way, I have already expressed it to the Senator as well as I can, if I can stand on those words and other remarks I have made, with great deference to the Senator.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

Mr. THURMOND. I would be pleased to hear what the Senator from Louisiana has to say. I have been listening to this testimony for several days and I think the issue should be clarified by the committee.

Are they going to try to hold Senator DODD responsible because of misleading people and deceiving them and defrauding them in contributing for one purpose, when he used the money for another, or whether it was improper for him to hold testimonials and use the money for anything except campaign purposes?

Mr. LONG of Louisiana. This whole thing is a case of blindman's buff. I regret to say this, but the committee does not begin to know how the play started or what it is all about, even to the extent of what is shown in the paper trail. Here is the chart. What is their starting point for the paper trail? Their starting point is the 1961 dinner, and they show what this paid for. This paid for a loan in the personal account at the Riggs Bank of $56,000.

They still have not gotten the job done, because they have not gone back to 1956.

I have a correct paper trail. This is how TOM DODD should have done it, and this is to some extent how he did do it. They never did get back to 1956 and 1958 when all of these debts began. They came in in the middle when the man and his wife were trying to carry all of this horrible burden out of meager personal earnings, and their friends said, "Something has to be done about this. TOM will never get reelected if we have to face the public from a starting point of $175,000 in the red."

I do not know about South Carolina, but I do know about Louisiana. If I were $150,000 in the red at the start, I would be in bad shape.

This is what I would suggest a Senator do in the future. When the campaign is over, admit it is over, consolidate all of your debts, get them all in one or two banks, and get a note to pay them off; and pay yourself off, too, Mr. Senator, because if you do not, you will not get your money back.

Mr. THURMOND. Will the Senator answer the questions I have propounded to the Senator from Mississippi? Is it the contention of Senator DODD, as I understood him to say in his statement, that the testimonial dinners were held for him; that he could use the money for campaign purposes; that he could use the money for personal purposes, or any other purpose, because the dinners were held for him; that it was a custom in the great State of Connecticut for dinners of this kind to be held and there was nothing wrong with that procedure; and that some of the moneys were used for personal use—I believe, as evidence has shown—but he said that even if it was, "I have a right to do it; the money was raised for me."

Is that the position that Senator DODD takes?

Mr. LONG of Louisiana. Yes; that is his position.

Mr. THURMOND. Or does the Senator take the position that there was no fraud and nobody was deceived?

Mr. LONG of Louisiana. That is Senator DODD's position. Let me give the Senator my position.

Mr. THURMOND. I want to be frank with the Senator from Mississippi. I did not get clear from the delineation of the committee viewpoint on that matter.

I would like to know the committee position, whether I agree with it or not, if these dinners were held as testimonials, to raise money for the Senator from Connecticut, and nobody was deceived, then was it wrong for him to do that, even if we have several of them? If it is the custom in the State of Connecticut to do that would the committee have brought charges against DODD if that had been the case, admitting nobody was deceived? I think that is a fair question to have an answer from somebody on the committee. I believe it is and I am wondering if the Senator from Louisiana had any comment on the question.

Mr. LONG of Louisiana. Let us assume that you have not been quite as successful as Senator STROM THURMOND of South Carolina, and you had a tough time of it; you run for the Senate before you are able to create a financial stake in life; you do not have anything to start with, and by the time you get in there you are deeply in debt; and those debts are personal debts and you want to get a lot of money to pay them off.

Mr. THURMOND. Senator, there is no use going into all of that. I am trying to get the position of the Senator. I am trying to get the position of the committee.

Is it right for testimonial dinners to be held, and nobody is deceived?

Mr. LONG. of Louisiana. There is nothing wrong about it.

Mr. THURMOND. I understood Senator DODD to say that is his position.

Mr. LONG of Louisiana. There is nothing wrong about that. Let me go a step further.

Mr. THURMOND. Would the committee agree with that? Are they accusing here of bringing dishonor to the Senate and bringing the Senate into disrepute because he deceived the people or because it was embarrassing for him to hold dinners and use the money for anything he wanted to use it for? I would like to know the answer to that.

Mr. LONG of Louisiana. I do not know the committee's answer to it.

Mr. THURMOND. If any member of the committee would care to answer that, I would be glad to hear from him.

Mr. LONG of Louisiana. May I say to the Senator that there is one thing that should be made clear for the RECORD.

Why did TOM DODD's tax expert and former law partner advise him that this should be a testimonial dinner, that he should call it a testimonial dinner account? Well now, he did that because he feared that TOM DODD was going to be in the position of having to use personal income to pay off politically incurred debts in their incipiency. He wanted to find a way so that he would not owe taxes on it. So, looking on this as though it were a private debt, a lot of private expenses that TOM DODD was faced with, it would seem to me that his tax lawyer friend advised him to hold a testimonial dinner, and not political, because if you hold it as a testimonial, these are gifts that are given to help you in whatever way you need to be assisted. Then it is purely a gift. There is no tax owed, if you use it to pay off your personal debts to the butcher, the baker, the candlestick maker.

On the other hand, we do not need to rely upon that to win TOM DODD's case, because all we really need to show is that this debt was incurred politically initially, and that political nature of the debt at the beginning carries through with it and prevents it from being tainted later as a personal debt for which political funds cannot be used without suffering a tax.

In Senator DODD's case, it may appear that the debt was a private debt, because instead of having one bank standing in the place of the creditor, a multitude of people—the butcher, the baker, and barber, the man who sold Mrs. Dodd some clothes, even the tax collector—stood in the place of the people who originally loaned TOM DODD money for his campaigns. For example, he was unable to

pay his tax bill, so he borrowed from the testimonial account to pay his tax bill.

Mr. THURMOND. Mr. President, I think the Senator is going around the world. I think he has talked much more than necessary. I think this is a very simple issue, in this way, in order to crystallize it. As I understand it, the Senator from Connecticut says it was customary to hold testimonial dinners in Connecticut. There is nothing wrong with it. They were held. He got the money. He used it for what he pleased. Some of it went in the campaigns and some went into other things. Is that the Senator's position?

Mr. LONG of Louisiana. Well, I think that, so far as I am concerned, is fine. It satisfies me.

Mr. THURMOND. I have tried to ask the committee and I have not gotten an answer. If this is true, then does that bring——

Mr. COOPER. I will answer it.

Mr. THURMOND (continuing). The Senator from Connecticut into disrepute and dishonor? That is one question.

The other question was, and the Senator from Mississippi I believe answered this one, If the testimonial dinners were held, were the donors deceived in believing that they were contributing to a campaign when they were actually contributing to a fund that would be used for the personal benefit of the Senator from Connecticut?

So I think the committee's answer to one question might narrow it down to one issue. As they say, there was nothing wrong with the testimonial dinner, so long as the people were not deceived. But the only issue is, Were the donors deceived?

If the committee takes the broader stance, that the donors were deceived, but even if they were not deceived, it was still wrong and brings the Senate into disrepute to hold personal dinners in order to raise money for a man to use as he pleases. In that case, you have got two issues.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. As one member of the committee, I will give my opinion to the senior Senator from South Carolina.

I believe it is correct that Senator DODD has stated that when funds were collected at such dinners, whether they were called political testimonial dinners or testimonial dinners, when it was announced that the testimonials were held for him, that he had the right to use such funds for any purpose he saw fit, whether for the payment of political expenditures or personal expenditures. I believe I am correct—if I am not correct in my statement, I would appreciate a response.

Mr. BYRD of West Virginia. Mr. President——

Mr. COOPER. May I finish my remarks?

What I say now does not go to the intention of the Senator from Connecticut, whether he purposely or wrongfully pretended to persons who might have attended those events that the funds were to be used only for political purposes and not for any other purpose. I believe it was the opinion of the committee—at least it was my opinion—that when, over a period of years, seven fundraising events were held, with the proceeds amounting to very large sums of money, without any notice to the people who were attending the events, that the funds which would be derived would be considered by Senator DODD to be used as he saw fit, that such a practice, over a period of years, and applied at least to seven events, was not a proper practice and reflected upon the Senate.

Mr. THURMOND. Mr. President, will the Senator yield on that point?

Mr. COOPER. Yes.

Mr. THURMOND. That it was not a proper practice for the testimonial dinners to be held at all?

Mr. COOPER. The Senator is going beyond my statement.

Mr. THURMOND. Or it had to be held that the people were deceived?

Mr. COOPER. Leaving out the question of any purposeful intent toward those who came, when over a period of over 4 years seven events were held and the people attended and contributed large sums of money, and they were never told that the proceeds were to be directed to and used for his personal benefit; and that, on the other hand, there was affirmative evidence it was not so intended whether or not Senator DODD himself so represented; that such a practice particularly inuring to the benefit of a Senator with his power and authority, was a practice which reflected on the Senate.

I will go to the second question of the Senator. As I understand it, the committee did not go so far as to say that testimonials, announced as such, to be a source of funds for a Member of the Senate, would be improper. I do not think the exact language of the recommendation goes that far because under the facts it was unnecessary—we were dealing with a different situation.

But if the Senator asks for my opinion, I would say if a Member of the Senate presented himself to his constituents and asked for funds for personal use—through testimonials—would not say if some tragic circumstance made it necessary, at one time—I would not say in every case it might not be all right—but I do say that if a Member of the Senate presented himself to his constituents and asked for funds for his personal use, I think it would reflect upon the dignity of the Senate, and be improper.

Mr. LONG of Louisiana. Mr. President, I hope the Senator from Kentucky will understand what I am contending now. In the first place, the reason that these dinners were undertaken to be called testimonial dinners, and the reason this was set up as a testimonial account, was on the advice of a now Federal judge, TOM DODD's former law partner, who had been a tax man. Here is why that judge, that former tax man, wanted TOM DODD to set it up as a testimonial dinner: He wanted it that way because TOM DODD had spent a great deal of personal money for political expenses. The only way TOM DODD was ever going to get out of debt eventually was to find some way to pay off the debt structure. It started out that he owed money to the sound-truck driver and the hotel man, and he owed money to a man who held a note. The man who held the note wanted that note paid off. He would have to find some other man to lend him money. If that person does not have a paper trail to show where these transactions were made and where the money came from and where it was spent——

Mr. BENNETT. Mr. President, if the Senator will yield, we have a family sign in the Bennett family that goes like this [indicating]. That means, "How many times?"

May I respectfully suggest that the Senator has told his story. I think he is really weakening it by repetition to the faithful people who have stayed here and heard it so many times. I would hope the Senator, unless he has something very new to say, besides the constantly repeated paper-trail story and the accumulated-debt story, will come to an end so that weary Senators may leave and come back Monday morning.

Mr. LONG of Louisiana. If I have not convinced the Senator, I am going to try again. The Senator is an intelligent man. He is one of the best tax men on the committee. Here is how it works——

Mr. BENNETT. I am going to leave the floor, in order to save the time of my colleagues, because, as a member of the committee, I have been through these things and I think I have an understanding which seems to be different from that of the Senator from Louisiana. So if my presence is an excuse to continue the discussion, I am going to leave the floor.

Mr. LONG of Louisiana. If that is what the Senator wants to do, very well.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BYRD of West Virginia. Mr. President, the hour is late. It is now 27 minutes of 7 o'clock. We have morning business that needs to be transacted. Several Senators have dinner engagements. I note that the Senator from Connecticut [Mr. DODD] is getting tired. I wonder if the Senator from Louisiana would object to going over until Monday morning to continue his speech, with the understanding that he will be the first one recognized after the quorum call.

Mr. LONG of Louisiana. I appreciate that. I know it is late on Friday afternoon. I hope Senators will make themselves available to hear the other side of the case. They may be somewhat tired, but, Senators, I would point out that the committee came here with a record of 1,164 pages. My judgment is that it started out with the wrong assumption and has been proceeding in the wrong direction since that time, and it is hard to disabuse someone of what he has in his mind when he is convinced he is right.

I think we will see, sooner or later, that, from an ethical viewpoint, it never did make any difference whether it was a campaign dinner or a testimonial dinner. It never made a difference from the ethical point of view. Maybe it did from the tax point of view, but from the ethical point of view, it was set up as a testimonial dinner because that was more advantageous, taxwise, for the bene-

ficiary. But call it campaign—there is nothing wrong about raising campaign money to help pay off debts incurred in an old campaign, to help carry debts of a new campaign, or even to help keep the office going and be a good Senator until the next campaign, or, for that matter, to spend the money to feed his family because he paid off prior debts. There is nothing wrong in using campaign money to do that until at some future date this family can raise enough money to pay the debt off.

So all we are saying is nobody can fault TOM DODD for what he was doing. He was simply calling on his friends to help him get out of debt incurred because he had run for public office and to find enough money to help run the next campaign. To do that, he was going to have to pay off a great deal of campaign obligations, a tremendous debt structure which occurred in the campaign. But now that debt structure looks like private obligations, because he had borrowed money to help pay off the debt structure.

ORDER FOR RECOGNITION OF SENATOR LONG OF LOUISIANA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the quorum call on Monday next the distinguished Senator from Louisiana [Mr. LONG] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MONRONEY ON MONDAY FOLLOWING SENATOR LONG OF LOUISIANA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of the speech of the Senator from Louisiana on Monday next, the senior Senator from Oklahoma [Mr. MONRONEY] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, now that the Senate has completed consideration of Senate Resolution 112 for today, I ask unanimous consent that there be a brief period for the transaction of routine business, under the usual limitation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters Department of the Army and the Army General Staff, as of March 31, 1967 (with accompanying reports); to the Committee on Armed Services.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of policies and procedures for collecting judgments, fines, penalties, and forfeitures, Department of Justice, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON SETTLEMENT OF CLAIMS OF CERTAIN INDIANS

A letter from the Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of The Fond Du Lac, Bois Forte and Grand Portage Bands of Chippewa Indians, against The United States of America, Docket No. 8 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of The Minnesota Chippewa Tribe, for and on behalf of White Earth, Case Lake, Winnebigoshish, Leech Lake, Ball Club, White Oak Point and Mille Lac Bands, composing the Minnesota Bands of Chippewa Indians against The United States of America, Docket No. 7 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

STATEMENT OF LAND CLAIMS OF ALASKA NATIVES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to settle the land claims of Alaska Natives, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

RESOLUTION FROM THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the junior Senator from Massachusetts [Mr. BROOKE] and myself, I send to the desk a certified copy of a resolution from the Massachusetts General Court memorializing Congress to take steps as are necessary, through Federal and international means to preserve peace in the Middle East.

I ask that this resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on Foreign Relations, as follows:

A RESOLUTION FROM THE COMMONWEALTH OF MASSACHUSETTS

A resolution memorializing Congress to take steps as are necessary, through federal and international means to preserve peace in the Middle East

Whereas, The peace and security in the Middle East is of great concern not only to the people who live there, but to the entire world; and

Whereas, Recent events which include the withdrawal of the United Nations Observers and the apparent military buildup appears calculated to bring that area closer to open and armed hostility; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to take such steps as are necessary through Federal and International Means to preserve peace in the Middle East; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, Secretary of State, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

House of Representatives, adopted, May 22, 1967.

WILLIAM C. MAIERS,
Attest: *Clerk.*
KEVIN H. WHITE,
Secretary of the Commonwealth.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 90. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program (Rept. No. 347).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 1960. A bill for the relief of Dr. Alfredo Aucar; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 1961. A bill for the relief of Dimitrios Roros; to the Committee on the Judiciary.

By Mr. NELSON:

S. 1962. A bill to assure the purity and quality of all imported dairy products for the purpose of promoting the dairy industry and protecting the public health; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. PASTORE:

S. 1963. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. GRUENING (by request):

S. 1964. A bill to settle the land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1965. A bill to amend titles, I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

NATION'S HEALTH THREATENED BY UNSANITARY DAIRY IMPORTS

Mr. NELSON. Mr. President, for far too long, our American dairy farmers and

processors have been on the short end of a double standard regarding the sanitary requirements that they must meet.

They must invest thousands of dollars in new pipeline milkers, bulk tanks, coolers, and milk houses, almost as clean as hospitals, to meet local, State, and Federal health regulations. But we have no assurance that foreign dairy farms and plants, whose products are imported to and consumed in the United States, operate under comparable sanitary requirements.

At this time, I introduce, for appropriate reference, the Foreign Dairy Inspection Act, which would require foreign dairy farms and plants producing dairy products for importation to the United States to meet sanitary standards established by the U.S. Government.

These quality controls on dairy imports are needed to correct this gross injustice to our American dairymen and to protect our consumers from this potential health hazard.

Rising production costs are a major factor leading to the dairy farmer's low return on his investment of capital and labor. Much of these present production expenses are directly related to the necessity of meeting and maintaining the high sanitary standards required by various government agencies.

A Wisconsin dairy farmer with a 40-cow herd pays out around $1,000 for a basic milking system. A new pipeline milker can run well over $3,000. The current trend to the utilization of a bulk tank for every other day milk pickups costs the farmer $4,000. An adequate milk house, which must be constructed away from the barn, can easily run $1,500 to $2,500. Other required pieces of equipment and material in many cases add up to several more thousand dollars.

This all indicates that compliance with domestic sanitary requirements means a tremendous production expense to our Nation's dairymen. To impose this burden upon them without any comparable requirements on the producers of foreign products which directly compete with American products is totally unfair and discriminatory.

With regard to that point I believe that it is important to document the threat to the health of our Nation's families from unsanitary dairy imports. I have selected a number of examples from recent Food and Drug Administration reports on import detentions to demonstrate that thousands of foreign dairy products are prepared for importation to the United States with little apparent concern for maintaining the very minimum of sanitary standards.

In addition, our Government maintains a stringent quality control program for all domestic facilities that produce dairy products exported to foreign countries under U.S.-sponsored export programs. In effect, we are protecting the health of citizens of foreign countries that receive our dairy products through the food-for-peace program and various AID projects but we are not presently applying the same safeguards to dairy imports from those foreign countries.

I ask unanimous consent that this Food and Drug Administration report be printed in the CONGRESSIONAL RECORD at this time.

Without objection, the report was ordered to be printed in the RECORD.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—FOOD AND DRUG ADMINISTRATION

Report of import detentions—Dairy products

Product and amount	Country of origin	Manufacturer or shipper	Reason for detention	Port of entry	Date
Cheese, 1,151 lbs	Switzerland	Geska	Contains poisonous substances, pesticides	New York, N.Y.	Jan. 13, 1965
Cheddar cheese, 4,050 lbs	Canada	Black Diamond Cheese, Ltd., Belleville, Ontario.	Contains live mites	Buffalo, N.Y.	Jan. 8, 1965
Cheddar cheese, 3,420 lbs	do	do	Mite infested	do	Apr. 7, 1965
Colby cheese, 56,899 lbs	Australia	David Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substances, DDT and related compounds.	Philadelphia, Pa	Apr. 15, 1965
Graddost cheese, 510 lbs	Sweden	Svensha Mijeviennas Riksforening, Stockholm	Mandatory labeling omitted	New York, N.Y.	Apr. 9, 1965
Pecorino Romano cheese, 5,752 lbs	Italy	Pirtro Ansetmi Compagnano, Roma	Insect filth	do	Apr. 14, 1965
Cheese, 2,310 lbs	England	Cow & Gate, Ltd., Guidford, Surrey	Moldy	do	Apr. 28, 1965
Cheese, 28,448 lbs	Argentina	Polaris Jose M. Delle Donney Cia., Buenos Aires.	Insect filth	do	Apr. 16, 1965
Colby cheese, 27,563 lbs	Australia	David-Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substance, DDT and related compounds.	Philadelphia, Pa	Apr. 19, 1965
Neufchatel cheese et al., 17 cases	France	Baudotu & Co., Paris	Short weight, deviates from standard; contains less than 50 percent fat; mandatory labeling omitted.	New York, N.Y.	Apr. 22, 1965
Ricotta cheese, 3,021 lbs	Italy	Ditta M. DiTrani, Macomer	False labeling, mandatory labeling omitted	do	Apr. 22, 1965
Stilton cheese, 12 cartons	United Kingdom	Cow & Gate, Ltd., Surrey, England	Moldy and decomposed	do	May 10, 1965
Grana cheese, 8,489 lbs	Italy	Figli Di Virginio Canterelli and C. S. Iliario D'Enza, Emelia.	Contains poisonous substances, pesticides	do	June 10, 1965
Cheese, Kashkoval Kasseri, 5,891 lbs	Yugoslavia	Agroexport Export-Import, Beograd	Contains insect fragments and manure	do	Oct. 29, 1965
Cheese spread, Gruyere, 35 packages	France	Entremont, Switzerland	Deviates from standard, contains nonpermitted ingredients.	Los Angeles, Calif	Oct. 22, 1965
Calpis, 50 cartons	Japan	The Calpis Food Industry Co., Ltd., Shimizu	Mandatory labeling omitted	San Francisco, Calif	Aug. 31, 1965
Kashkoval cheese, 9,530 lbs	Yugoslavia	Agroexport Export-Import, Beograd	Insect filth and manure fragments	New York, N.Y.	Sept. 14, 1965
St. George cheese, 4,603 lbs	Portugal	Luis Da Mata, St. Michael's, Azores	Insect filth	do	Aug. 31, 1965
Colby cheese, 2,720 cartons	Australia	David Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substances, DDT, DDE, and TDE.	Philadelphia, Pa	Jan. 10, 1966
Sap Sago cheese, grated, 480 cartons	West Germany	Julius Von Engelbrechten, Hamburg	Short weight	San Francisco, Calif	Mar. 10, 1966
Cheese, 50 cartons	Argentina	Casanto Sociedad Responsabilidat Ltda., Buenos Aires.	Contains benzene hexachloride	New York, N.Y.	Apr. 14, 1966
Cheese, 92 lbs	Canada	Canada Packers, Ltd., Toronto, Ontario	Mite infested	Buflalo, N.Y.	Apr. 19, 1966
Cheese, 300 lbs	Denmark	J. Hansen Co., Aarhus	Contains dieldrin	Minneapolis, Minn	Mar. 28, 1966
Cream, frozen, 3,465 cartons	New Zealand	New Zealand Dairy Production & Marketing Board, Wellington.	Contains rodent hairs	Galveston, Tex	Dec. 16, 1965
Cheese, 200 cartons	Italy	Eill Mannoni fu Paolo, Thiesi	Contains fly eggs and maggots	Boston, Mass	Mar. 28, 1966
Do	do	do	do	do	Do.
Sardo cheese, 14,339 lbs	Argentina	River Plate Dairy Co. S.A., Buenos Aires	Contains an unsafe food additive, benzene hexachloride.	New York, N.Y.	May 16, 1966
Edam cheese, 5,861 cartons	Netherlands	Bernard Schulisch, Hamburg, West Germany	Insect infested	do	June 23, 1966
Grapex, 330,680 lbs	Belgium	Ecoral, Dilbeek	Contains an unsafe food additive, pesticide residues.	Chicago, Ill	July 5, 1966
Junex, 14,980 cartons	do	Nicolas Falise, Antwerp	Contains unsafe food additives; benzene hexachloride, DDT, DDE, dieldrin and TDE; contains nondescript dirt and was held under insanitary conditions during shipment.	Atlanta, Ga	July 14, 1966
Pecorino cheese, 2,302 lbs	Italy	Ropconi, Naples	Filthy, unfit for food	Chicago, Ill	Aug. 8, 1966
Sap Sago cheese, 1,800 boxes	West Germany	Julius von Engelbrechten, Hamburg	Deviates from standard, contains excessive moisture.	San Francisco, Calif	July 13, 1966
Cremex, 228,346 lbs	Belgium	Ecoval, Antwerp	Contains unsafe food additives	Los Angeles, Calif	Aug. 16, 1966
Butter-sugar mixture, 36 cases	France	Union Export Co., Paris	Contains a deleterious substance, benzene hexachloride.	San Francisco, Calif	Sept. 21, 1966
Kasseri cheese, 22,004 lbs	Bulgaria	Rodopa, Associated State Enterprise, Sofia	Contains an unsafe food additive and animal dung	New York, N.Y.	Sept. 26, 1966
Cheese spread, with smoked herring (pasteurized), 2 cases.	Norway	O. Kavli, A. S., Bergen	Contains a poisonous substance, pesticide chemicals.	Minneapolis, Minn	Oct. 20, 1966
Edam cheese, baby, 180 packages	Netherlands	De Producent, Gouda	Insect infested	Miami, Fla	Oct. 21, 1966
Colby cheese, 220,460 lbs	Bulgaria	Rodopa, Associated State Enterprise, Sofia	Contains an unsafe food additive, benzene hexachloride.	New York, N.Y.	Nov. 23, 1966
Colby cheese, 8,333 cartons	New Zealand	New Zealand Dairy Board, Wellington	Contains pesticide residue	Houston, Tex	Dec. 21, 1966
Colby cheese, 10,316 lbs	do	Maori Chief, Patua & Tapanaki, Auckland	Contains an unsafe pesticide chemical	Galveston, Tex	Jan. 18, 1967
Swiss cheese and Gruyee processed cheese, 6,490 lbs.	Switzerland	Weitifurrer International, Zurich	Unfit for food, dimethyl anilene present in product and containers.	New York, N.Y.	Feb. 17, 1967
Ementhaler cheese, 1,500 packages	West Germany	Alpen-Silber-Kaswek Kemplen, Allgun, Hamburg.	Deviates from standard of identity, mandatory labeling omitted.	San Francisco, Calif	Mar. 7, 1967

Mr. NELSON. Mr. President, this is only a partial listing of the thousands of foreign dairy products that have been found to be contaminated and unsanitary. It is disastrous and disgraceful to have these products, which are earmarked for our families' dinner tables, coming to our shores in such an unhealthy form.

Some 4,050 pounds of Cheddar cheese from Canada contained live mites; 5,752 pounds of Pecorino Romano cheese from Italy contained insect filth; 5,891 pounds of Kashkaval Kasseri cheese from Yugoslavia contained insect fragments and manure; 3,465 cartons of frozen cream from New Zealand contained rodent hairs; 200 cartons of cheese from Italy contained fly eggs and maggots; 14,339 pounds of Sardo cheese from Argentina contained an unsafe food additive, benzene hexachloride. Two cases of cheese spread from Norway contained a poisonous substance and pesticide chemicals.

These foreign dairy products are produced under conditions on farms and in plants of which we have no knowledge. If we are going to provide even the most fundamental of safeguards against such an invasion of unsanitary food products, we must require those foreign farms and plants that wish to import dairy products to the United States to meet the minimum sanitary standards established by our Government.

The Foreign Dairy Inspection Act will provide this safeguard and make sure that the health of our Nation is not jeopardized by substandard conditions in other countries.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD at this time.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and report will be printed in the RECORD.

The bill (S. 1962) to assure the purity and quality of all imported dairy products for the purpose of promoting the dairy industry and protecting the public health, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Dairy Inspection Act of 1967".

SEC. 2. The Act entitled "An act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", approved February 15, 1927 (44 Stat. 1101; 21 U.S.C. 141–149) is amended as follows:

(1) The first section is amended by striking out "milk and cream" and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy products"; and by striking out "milk or cream" and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy product".

(2) Section 2 is amended by inserting "(a)" immediately after "SEC. 2."; and by adding at the end thereof a new subsection as follows:

"(b) Butter, cheese, and other dairy products, except such milk or cream as is designated in subsection (a) hereof shall be deemed unfit for importation—

"(1) when all cows or other animals producing the milk going into such products are not healthy and a physical examination of all such milk producing animals has not been made within one year previous to the utilization of such milk in products being offered for importation;

"(2) when the milk being used in such product has not been pasteurized, or the product in the course of manufacture has not been subjected to a time and temperature of processing at least equivalent to pasteurization, except in the case of cheeses which are permitted under the standards of identity promulgated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) to be produced from raw milk, in which case the cheeses shall be aged under proper conditions for the time specified in any such standard of identity, before it shall be permitted entry into the United States;

"(3) when the milk being received in the plant in which it is to be processed into butter, cheese, or other dairy product and the sanitary conditions of such plant fail to meet the minimum sanitation standards prescribed in regulations promulgated by the Secretary of Health, Education, and Welfare and applicable to plants in the United States engaged in the processing of milk or cream into butter, cheese, or other dairy products;

"(4) when the butter, cheese, or other dairy product offered for entry into the United States fails to conform to such objective criteria as the Secretary shall prescribe by regulation in the manner aforesaid."

(3) Section 3 is amended by—

(A) striking out "milk and cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese, and other dairy products";

(B) striking out "milk and/or cream" each time it appears, except in the second paragraph thereof, and inserting in lieu thereof "milk, cream, butter, cheese, and/or other dairy product";

(C) striking out "milk or cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy product";

(D) striking out "produced and handled" each time it appears and inserting in lieu thereof "produced, processed, and handled"; and striking out in the fourth paragraph "production and handling" and inserting in lieu thereof "production, processing, and handling";

(E) striking out "clauses 1, 2, and 3 of section 2" each time it appears in the first paragraph and where it appears in the fourth paragraph, and inserting in lieu thereof "clauses (1), (2) and (3) of subsections (a) and (b) of section 2";

(F) striking out "section 2, paragraph 4," in the second paragraph and inserting in lieu thereof "clause (4) of section 2(a)".

(G) striking out "paragraphs 2 and 5 of section 2" in the third paragraph and inserting in lieu thereof "clauses (2) and (5) of section 2(a)"; and

(H) striking out the word "cows" and inserting the words "cows or other milk producing animals".

(4) Section 3 is further amended by adding at the end thereof a new paragraph as follows:

"The Secretary is authorized, in his discretion, to waive any requirement of this Act whenever he determines that the waiver of such requirement will facilitate the administration of this Act and will not result in lowering the standards of sanitation and wholesomeness of imported milk, cream, butter, cheese, or other dairy products, but in no event shall any requirement be waived if such action would adversely affect the public health."

(5) Section 4 is amended by striking out "milk or cream" and inserting in lieu thereof "milk, cream, butter, cheese or other dairy products".

(6) Section 6 is amended by striking out "the sum of $50,000 per annum," and inserting in lieu thereof "such sum as may be necessary".

(7) Section 7 is amended by changing the period at the end thereof to a colon and adding the following: *"Provided, however,* That this Act shall in no way be construed as affecting, modifying, repealing, or superseding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq., as amended) or any rule or regulation promulgated thereunder.

(8) Section 8 is amended by—

(A) striking out "milk or cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese or other dairy product"; and

(B) striking out "milk and/or cream" and inserting in lieu thereof "milk, cream, butter, cheese and/or other dairy product".

(9) (a) Section 9(b) is amended to read as follows:

"(b) The term 'United States' means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) Section 9 of such Act is further amended by adding at the end thereof a new paragraph as follows:

"(c) The term 'dairy products' includes all forms of milk and dairy products, butterfat, and nonfat milk solids, and any combination or mixture thereof, and also any article, compound, or mixture containing 5 per centum or more of butterfat, nonfat milk solids, or any combination of the two.".

SEC. 3. The amendments made by this Act shall take effect upon enactment, but no penalty shall be enforced for any violation of the Act of February 15, 1927 (44 Stat. 1101; 21 U.S.C. 141–149), except with respect to milk or cream, if the violation occurs within one year after the date of enactment of this Act.

A BILL TO SETTLE THE LAND CLAIMS OF ALASKA NATIVES

Mr. GRUENING. Mr. President, I introduce, for appropriate reference, a bill "to settle the land claims of Alaska natives, and for other purposes." This is a bill drafted in the Interior Department and represents, in its present form, what the Interior Department considers the proper approach to a long overdue problem.

The Organic Act of 1884, Alaska's first Organic Act, provided:

> The Indians or other persons . . . shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them.

The act continued, saying:

> The terms under which such persons [the Indians or other persons] may acquire title to such lands are reserved for future legislation by Congress.

Eighty-eight years have passed without action to carry out these provisions.

A later section of the act, section 12, provided that the Secretary of the Interior constitute a commission composed of the Governor and two other officers appointed under the act "to examine into and report upon the condition of the Indians residing in said territory, what lands, if any, should be reserved for their use—what rights of occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district." Two thou-

sand dollars was appropriated to defray the commission's expenses.

Actually this mandate was not carried out. A study was made of native claims in southeastern Alaska only, and the recommendation was made that the natives there—Tlingits and Haidas—be allowed to retain the sites of their homes and gardens. But the rest of Alaska was ignored, the reason given being that the Governor had no form of transportation or means to enable him to visit the rest of the district, as Alaska was then called.

Through the years successive Secretaries of the Interior have failed to carry out the provisions of the act of 1884—except as heretofore noted to a very limited degree in southeastern Alaska only. Although the Interior Secretaries' responsibility included supervision and care of Alaska native affairs, they failed to carry out the provisions on the subject of lands as specifically ordered by the Congress in 1884.

For several years—indeed shortly after coming to the Senate—I have been urging the present Secretary to submit legislation which would enable us to proceed toward a solution of this vital and, because of the long delay, increasingly pressing and complex problem. I have particularly urged during the past year that legislation be drafted and presented as early as possible in this session of Congress.

In its present form it is a draft representing the Interior Department's views and will have administration backing. The Secretary of the Interior recommends its enactment.

Needless to say, hearings must be held, as some of the provisions in this bill are controversial, the views of all Alaskans must be secured since all in varying degrees will be affected by it, and the pros and cons of this proposed legislation thoroughly discussed before the appropriate recommendations may be made to the Congress. The legislation to dispose of this 88-year-old problem should have been introduced long ago, but at least it is now available for hearings and thorough analysis.

Because some of the provisions are vague and ambiguous, a careful study and interpretation of its intent and language will be necessary before definite judgments may be rendered on them. The hearings, which I hope will be held in Alaska as soon as possible, should, hopefully, clarify the wishes of the people of Alaska and enable the Congress to enact legislation which will dispose of the issues involved with as much justice to all concerned as may be possible.

At the request of the chairman of the Senate Committee on Interior and Insular Affairs, the Honorable HENRY M. JACKSON, of Washington, I am introducing this legislation "by request." In part this is because there are some provisions in the present draft with which I do not agree. But I am glad to introduce it nevertheless because much in it is good and at long last it makes possible for us to move in the direction of settling these long ignored claims and to enable the State of Alaska to develop its human and material resources, as it has hitherto to a degree been estopped from doing.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1964) to settle the land claims of Alaska natives, and for other purposes, introduced by Mr. GRUENING, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SAFEGUARDING SOCIAL SECURITY INCREASES FOR THOSE ON WELFARE

Mr. HARTKE. Mr. President, today I am offering a bill to amend the Social Security Act in such a way as to prevent recipients of assistance under titles I, IV, X, XIV, and XVI from having their assistance reduced if and when they become entitled to an increase in social security payments.

Briefly, unless this is done, we are in danger of failing to secure effective increases in income for the people most in need of it. The reason is that without such a change, States may very well offset the social security increase by reductions in assistance payments. For example, a person with no other resources may be receiving $50 per month social security, supplemented by $35 per month for a minimum of $85, the supplement coming from one of the programs under these titles. Now suppose the entitlement to social security benefits rises for this person to $70. The State may very well decrease its assistance payments from $35 to $15, leaving the total still only $85. Thus we would, unless the States are required to disregard the additional sum, simply harvest a windfall in reduced State welfare payments with no benefit to the individuals.

Today, as I introduce this bill, I merely call attention to its purpose and effect. It is my intention to present more fully, in a statement I shall make within the next few days, the case for this action.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1965) to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that the name of the Senator from Minnesota [Mr. MONDALE] be added as a cosponsor of the bill (S. 1642), the Rural Recreation and Industrial Development Loan Act of 1967, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS], I ask unanimous consent that, at the next printing of the bill (S. 1796) to impose quotas on the importation of certain textiles, the name of the distinguished Senator from Maine [Mrs. SMITH] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RESCHEDULING OF HEARINGS ON S. 1659, INVESTMENT COMPANY AMENDMENTS ACT OF 1967

Mr. SPARKMAN. I should like to announce that the Committee on Banking and Currency has rescheduled its hearings on S. 1659, the Investment Company Amendments Act of 1967.

The hearings, which were originally scheduled for the week of June 19 through 23, have now been rescheduled for Wednesday, June 21, through Friday, June 23.

NOTICE OF NEW HEARING DATE

Mr. SMATHERS. Mr. President, on June 7, I announced to the Senate that the Subcommittee on Health of the Special Committee on Aging would hold hearings June 19–20 on costs and delivery of health services to older Americans.

However, because the Senate is occupied with the debate over Senate Resolution 112, it has become necessary to postpone the scheduled hearings to June 22–23. I therefore want to take the opportunity to advise the Senate that the hearings will begin at 10 a.m., June 22, in room 3110, New Senate Office Building.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD as follows:

Newsletter by him, dated June 1967, to Michigan constituents.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. BARTLETT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5424.

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 5424, which was read, as follows:

Resolved, That the House concur in the amendment of the Senate numbered 1 to the bill (H.R. 5424) entitled "An Act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

Resolved, That the House concur in the amendment of the Senate numbered 2 to

aforesaid bill with an amendment, as follows: In lieu of "$37,663,000", insert "$37,963,000".

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendment to Senate amendment No. 2.

The motion was agreed to.

NOMINATION OF THURGOOD MARSHALL TO THE U.S. SUPREME COURT

Mr. THURMOND. Mr. President, the Washington Evening Star of yesterday, Thursday, June 15, 1967, contains an outstanding editorial entitled "Mr. Marshall's Nomination."

This editorial contains considerable food for thought which every citizen and every Senator should take under advisement in considering this nomination to the U.S. Supreme Court.

As the editorial states, it is difficult to predict in advance the judgments which will be reached by any man who has been appointed to the Supreme Court. In my view, however, it is necessary for us to hazard a guess as to the inclinations of Mr. Marshall on the overriding constitutional issues with which he will be faced. If history can serve as a guide, then I think it is obvious that Mr. Marshall will join what the Evening Star calls the " 'liberal' wing consisting of the Chief Justice and Justices Douglas, Brennan, and Fortas."

The closing observation of the Evening Star is particularly pertinent. Assuming a pairing off of members of the Court in the way that both the Evening Star and I believe will occur, the Star says:

> The "liberals" will be in firm control, and this is considerably less than reassuring with respect to many of the vital areas of public interest that are affected by the Court's rulings.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. MARSHALL'S NOMINATION

A few years ago, the appointment of a Negro to the Supreme Court would have been a sensational, not to say controversial, development. President Johnson's nomination of Thurgood Marshall, however, has produced scarcely a ripple of excitement. This is a measure of our national progress toward maturity, and cause for modest gratification.

The merit of this particular appointment is another question.

There had been some hope, though not much, that the President, in choosing a successor to Justice Clark, would try to bring the Court into better balance. His nomination of the Solicitor General, however, suggests that this hope can be filed and forgotten.

No Supreme Court Justice can be fitted neatly into any category. Occasionally the most liberal or the most conservative, using this term in its relative sense, will jump the tracks. On the whole, however, Tom Clark was a "swing man," sometimes siding with one bloc, sometimes with the other. If any descriptive term is applicable to his service on the bench, it is that he has been a moderate.

We do not think this can be said of Thurgood Marshall, although few things in this life are more hazardous than trying to predict what positions a man will take after he joints the court. Our guess is, however, that Marshall generally will join the "liberal" wing consisting of the Chief Justice and Justices Douglas, Brennan and Fortas. If so, the "liberals" will be in firm control, and this is considerably less than reassuring with respect to many of the vital areas of public interest that are affected by the court's rulings.

CHANGE IN NAME OF CERTAIN WATER RESOURCE PROJECTS UNDER JURISDICTION OF THE DEPARTMENT OF THE ARMY

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate the message from the House on S. 1649.

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1649) authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army, which were:

On page 4, line 7, strike out "and".

And, on page 4, line 10, strike out "Sakakawea.", and insert "Sakakawea";

"the Dam B and Reservoir on Neches River, Texas, authorized by the River and Harbor Act of 1945, to the 'Town Bluff Dam' and the 'B. A. Steinhagen Lake', respectively;

"the Blanchard Dam on Bald Eagle Creek, Pennsylvania, authorized by the Flood Control Act of 1954, to the 'Foster Joseph Sayers Dam';

"the Port Hueneme Small Craft Harbor, California, authorized by the River and Harbor Act of 1954, to the 'Channel Islands Harbor';

"the Buck Creek Dam and Reservoir, Springfield, Ohio, authorized by the Flood Control Act of 1962, to the 'Clarence J. Brown Dam and Reservoir'; and

"the Lock and Dam 14, Arkansas River, Oklahoma, authorized by the River and Harbor Act of 1946, to the 'W. D. Mayo Lock and Dam'."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I observe in the Chamber the distinguished chairman of the Committee on Public Works [Mr. RANDOLPH] who had charge of the bill and who has handled this matter in the negotiations with the House. He now feels that it is unnecessary for the bill to go to conference. I wish to thank him and the Senate warmly for acting on the bill this afternoon.

One person in my State for whom one of the structures in the bill is to be named is an elderly gentleman, either 95 or 96 years of age. I am not sure when his birthday occurred. He is an invalid and has nursing care around the clock, but his mind is still clear. He genuinely merits this honor. I do want him to know that he has received it prior to his passing. I hope that that will be the case. I have had no information in the last day or two.

I wish to express my deep appreciation and the appreciation of the Fort Myers area of Florida for this kindly act taken by the Senate Committee on Public Works in conjunction with the House committee, for which I am deeply grateful.

Mr. RANDOLPH. Mr. President, I do not wish to delay the Senate, but I feel that with the distinguished Senator from Florida [Mr. HOLLAND] present, I should like to have the RECORD reflect that it has been the policy of the Senate Committee on Public Works and the policy of the House Committee on Public Works to screen carefully the proposals to name dams and reservoirs. We have encountered, from time to time, the understandable desire of Members of both bodies to name a particular public works project after a former Member of Congress who had contributed much to the project in question, but who was still living. So also we have had the problem of a person who is not or has not been a Member of Congress but is still living. We have felt that we could well honor such a person.

It so happens that in this measure a public works project has been suitably named in honor of the late Representative Clarence Brown, of Ohio.

As to a person who was not a Member of Congress or in public life, but who fell within the category of the devoted individual who has been mentioned by the Senator from Florida, we have, in a sense, violated the general agreement because it seemed appropriate to do so. This seems to be an honorable act on the part of Congress.

So in this instance, as in other rare instances, we have done exactly what the Senator from Florida wished us to do.

In this measure, as my distinguished colleague from West Virginia [Mr. BYRD] well knows, we are also changing the terminology of a project in our State, which is a dam and reservoir in intent, and which is the language of the U.S. Army Corps of Engineers, to the category of a lake. We feel that West Virginia is a State in which there is developing tourism. If a person who is not familiar with West Virginia were to look upon a map and see that at Summersville there are a dam and a reservoir, he might not have the desire to think in terms of that area as a place for recreation and rest. But if he were to see upon the map "Summersville Lake," he might send an inquiry to our State agency. Therefore, as my colleague and I both know, we look upon this change as conducive to attracting a large segment of the population of America, particularly from the cities. They will find in West Virginia waters which not only aid in the control of floods, but also give quantity and quality flow to the areas below the mountains, where the lakes are formed.

With these purposes which we have always thought of in terms of such projects, there does come fishing and boating and swimming and water skiing.

So, it is very natural that, built into the cost-benefit ratio of these projects, particularly in West Virginia, we are under this measure renaming the dams and reservoirs as lakes.

I proposed this in legislation because I believe that our beautiful bodies of water, nestled in the grandeur of the hill country, could provide sports and recreational facilities the equal of any in the Nation.

I recognized, however, that we must literally let the world know of our sports and recreational facilities which are so inviting to those seeking refreshment of mind and body. The redesignation will help to focus attention on the facilities we possess.

On both of these points, the point of naming the particular project in Florida for a living person, and the point of designating our West Virginia dams and reservoirs as lakes, I though the RECORD might reflect the thinking of the membership of the two Committees of Public Works and also of the Congress.

We have been appropriately responsive to Senator HOLLAND'S request in which he was joined by Senator SMATHERS. We know the request comes in the very best interests of the State of Florida through the naming of this particular project for a very truly wonderful man who is now in his sunset years, and who perhaps may have a few additional hours of added happiness because, after a life devoted to the conservation of natural resources, he has this added honor of having his name imprinted upon an area in that State.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. HOLLAND. Mr. President, I am deeply grateful for the understanding of the Senator and hope that this action will bring real pleasure, as I know it will if Mr. Franklin still lives, as I believe he does. Even though the rule may have been broken for, let us say, a few months, or perhaps a year or two at the most, I think it was well worth while to do so.

I think the fact that he has worked so diligently and over so many years, particularly upon projects upon the Caloosahatchee River, upon which this structure named for him is located, makes it a wonderful thing to do.

I am grateful to the Senator and to his committee. I speak for both Senators from Florida and for Representative ROGERS who represents that particular district.

Mr. RANDOLPH. I thank the Senator.

TRIBUTE TO ELMER L. KOONS

Mr. MANSFIELD. Mr. President, on June 18, 1917, Elmer L. Koons, assistant to the Official Reporter of Debates, began his long period of faithful service to the Senate.

At present, he is recuperating from an illness. On this 50th anniversary, we wish him a speedy recovery, so that he may soon resume the duties he has so efficiently performed for half a century.

Mrs. SMITH. Mr. President, I want to join in the sentiments expressed by the distinguished majority leader.

I share his great respect and feeling for Mr. Elmer Koons.

CIGARETTE ADVERTISING

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to a recent FCC ruling on cigarette advertising which clearly flouts the intent of Congress as expressed in the Federal Cigarette Labeling and Advertising Act of 1965—Public Law 89-92.

In section 5, paragraph (b) of that law, Congress specifically provided that—

> No statement relating to smoking and health shall be required in the advertising of any cigarette the packages of which are labeled in conformity with the provisions of this Act.

The Committee on Commerce report on this bill—Report No. 195 of May 19, 1965—noted:

> Considering the combined impact of voluntary limitations on advertising under the Cigarette Advertising Code, the extensive smoking education campaigns now underway, and the compulsory warning on the package which will be required under the provisions of this bill, it was the committee's unanimous judgment that no warning in cigarette advertising should be required pending the showing that these vigorous, but less drastic, steps have not adequately alerted the public to the potential hazard from smoking.

Despite this clear expression of congressional will, the FCC on June 2 ruled that stations which present cigarette commercials are required to provide "significant amounts of time" to groups which oppose smoking as a health hazard. If the stations are unable to find sponsors for these opponents of smoking they must provide that time at their own expense.

In making this ruling, the FCC noted that Congress had appropriated funds for a public education campaign on smoking and health.

The Commission apparently felt that what Congress could do, it could do better. So it arbitrarily extended the educational campaign and forced broadcasters to pay for it.

Congress decided to give this education program a 3-year trial, after which time, the Secretary of Health, Education, and Welfare was asked to report on its effectiveness.

What the FCC has done is to make its own arbitrary judgment of the effectiveness of the campaign based merely on the number of hours which are devoted to antismoking programs.

This ruling can have only one result, and that is force cigarette advertisers to turn to other media where they would be under no such restrictions.

It is manifestly unfair to broadcasters to require them to finance a Government education program. And it is economic discrimination to force them to provide free time to groups who wish to criticize products which other groups have paid to advertise.

The FCC has stretched the meaning of the fairness doctrine beyond any recognition of its true purpose by including under it advertisements of commercial products and has opened the door for any group to demand time to point out the defects of products it dislikes.

THE 23D ANNIVERSARY OF ICELANDIC INDEPENDENCE

Mr. BURDICK. Mr. President, tomorrow, June 17, is the 23d anniversary of the first full independence the Icelandic nation has known since the 13th century. I believe it is an appropriate moment for the Senate to pause and reflect on the contributions which Icelandic people have made to the United States, and upon the traditions of independence and personal strength demonstrated by the citizens of Iceland.

Louis Barron, in the "Worldmark Encyclopedia of the Nations," recalls the steps that led to the June 17 declaration by the Icelandic people:

> Iceland's first settler, Ingolfur Arnarson, sailed from his native Norway to Iceland and settled at what is now Reykjavik in 874. During the late 9th and early 10th centuries the island was settled by other Norwegians fleeing from the oppressive rule of their king and by smaller groups of Scottish and Irish emigrants. In 930 a central legislative and judicial assembly, the Althing, was established, and a uniform code of laws for the entire country was compiled. Christianity was introduced in 1000, but the memory of the old pagan religion was preserved in 12th-century and 13th-century Icelandic literature. Many of the early settlers were great seafarers and continued their westward voyages of discovery and exploration from Iceland. Most famous of these were Eric the Red (Erikur Thorvaldsson), who in 982 discovered and settled in Greenland, and his son Leif Ericsson (Leifur Eiriksson) who in 1000 discovered the North American continent, which he called Vinland (the Good Land). Icelanders acknowledged the sovereignty of Haakon IV of Norway in a treaty of 1262, which established a purely personal union, ending the independent republic or commonwealth. When all the Scandinavian countries came under the rule of Denmark in 1381, Iceland became a Danish dominion. Lutheranism was introduced in the 1540's. Exclusive trading rights with Iceland were given in 1602 to a private Danish trading company, and Danes had a complete monopoly of trade with Iceland until 1786, when it was opened to all subjects of the king of Denmark and thus to Icelanders.
>
> The ensuing economic ruin for Iceland, compounded by poor harvests, epidemics, and volcanic eruptions (notably that of 1783, the worst in Iceland's history) reduced the population to 38,000 by 1800, less than half the number in the period of independence. In that year the king abolished the Althing, long before reduced in power. About 1830, a nationalist movement for independence attained considerable strength and won the reestablishment of the Althing (but only as an advisory body) in 1843, followed by the opening of trade with Iceland to all countries in 1854. After a long constitutional struggle (led by a national hero, Jón Sigurosson, who was both statesman and scholar), limited home rule was granted in 1874 and almost complete home rule in 1903. By agreement with Denmark in 1918, Iceland was declared a free and independence state, but personal union was retained, with the Danish king continuing to function as king of Iceland and Denmark conducting Iceland's foreign affairs. Iceland also had the right to terminate this union after 25 years. In World War II, cut off from Denmark by the German occupation of that country, Iceland established diplomatic relations with the UK and the US. British forces took over the protection of the island in 1940, and in the following year were replaced by US troops, who remained until early 1947. In a referendum held in May 1944, over 97% of those participating voted to end the union with the king of Denmark, and on 17 June 1944 Iceland became an independent republic. In 1946 it was admitted to UN membership.

The history of Iceland shows a vigor and independence which the citizens brought with them when they immigrated to the United States, many of

them to the northeastern part of North Dakota. While they found conditions of climate and soil much different than in their native Iceland, their spirit permitted them to adapt their agricultural practices to the requirements of North Dakota, and they were successful in making the earth productive.

Stefan Einarsson cites some of the accomplishments of Icelandic Americans in this country:

It was more or less an accident that guided the steps of the first Icelandic immigrant, in 1856, to the valley of the Latter-day Saints in Utah. A few others followed and the Icelanders founded a small settlement in Spanish Fork, while some went to Salt Lake City, where their descendants still live.

Otherwise immigration to the United States can hardly be said to have begun until 1870, when some 200 Icelanders settled in the midwestern States, mostly in Wisconsin and North Dakota. The influx was strongest in the period 1880–1890, subsiding in the period 1890–1900, after which immigration practically ceased. In the whole period some 25,000 Icelanders, approximately 25 per cent, left their homeland for Canada or the United States; only about one-third settling on this side of the border.

Later there have only been two periods of slight immigration. The Icelandic trawler fishermen in Gloucester, Massachusetts, came immediately after World War I, and several hundred wives of American soldiers came in during and after World War II.

In 1874 the Icelanders at home celebrated the millenary of the colonization of their island. This was also occasion for festivities among the Icelandic immigrants in Milwaukee, who there founded a society to foster intellectual pursuits and discussed the church that later was to become a mainstay of their religious and national life. They wanted to find a place where they could all live in the same community and found a "New Iceland" in the free western world. A plan to settle them in Alaska found favor with the United States government, but came to naught.

Havoc caused by volcanic eruption in the eastern part of Iceland in the spring of 1875 and a series of hard years (1880–1888) sent the Icelanders flocking to America. Most of them went to "New Iceland" on the western shore of Lake Winnipeg, which proved disastrously inhospitable; others came directly to the United States. Thus Icelanders settled in Lyon county in Minnesota in 1875 and have remained in several Minnesota communities ever since. In 1878 the Icelanders, led by Rev. Pall Thorlaksson, took land in Pembina county in northeastern North Dakota. The colony was settled both by disillusioned settlers from Canada and by fresh immigrants from Iceland. After ten years it had become the most prosperous settlement in America, and it still is by far the largest and most well-to-do Icelandic settlement within the borders of the United States. Here one still finds several place names of Icelandic origin, such as Svold, Akra, Eyford, Hallson, Gardar, though others such as Pembina, Langdon, and Mountain do not reveal the Icelandic origins of their population. To the west, Bottineau, Upham, and Bantry are Icelandic settlements; to the south Grand Forks counts several Icelanders, among them Richard Beck, Professor of Scandinavian Languages and Literatures at the University of North Dakota and the most active publicist of Icelandic culture now living.

The Icelandic immigrants of 1870–1900 had nothing to prepare them for farming on the great midwestern plains except the habits of hard work and austere living in their homeland. They were all Lutherans and among their first tasks were forming congregations and building churches. Several of these united into an Icelandic Lutheran Synod, sponsored by Rev. Hans B. Thorgrimsen at a meeting at Mountain, North Dakota, and headed by the brilliant patriot and churchman, Jon Bjarnsason, of Winnipeg. This Icelandic church was liberal in comparison with some fundamentalist churches of Norwegian and German extraction, but it was orthodox compared with the "New Theology" Church of Iceland or the Unitarian church of Boston. A grim tug of war developed between these forces for the custody of the immigrants' souls. But if the churches sowed the dragon's seed of dissent, they also gave the immigrants something to live and fight for and lifted them intellectually out of the dust. And the church was not only a guardian of the immigrants' religion, but also, as long as possible, of their nationality.

The Icelanders had another national heritage; a strong literary tradition, going back to their Eddas and Sagas, and their love of learning. The literary tradition came to a brilliant flowering in the poet-farmer Stephan G. Stephansson (1853–1927) who settled three times, first in Wisconsin, then in North Dakota, finally in Canada, where he raised a large family and wrote six volumes of poetry. With the Norwegian Rolvaag and his own countryman, Vilhjalmur Stefansson, he was one of the giants stalking the Dakota prairie. Appreciated by few but his countrymen, he has, nevertheless, been pronounced the greatest poet in Canada by Professor Watson Kirkconnell. Stefansson was, to be sure, the greatest, but there were many others, among them the shrewd punster and humorist, the North Dakota cowherd poet Kainn (1860–1936).

The Icelanders were quick to learn English and lost no time in sending their children to school. It was not long before North Dakota had learned Icelanders as lawyers and as representatives in the state legislature. Of the lawyers, Sveinbjorn Johnson (1883–1946) first became Attorney General, then Justice of the Supreme Court of North Dakota, and, later, legal counsel and Professor of Law at the University of Illinois. Another, Gudmundur S. Grimsson won international acclaim for his prosecution of the Tabert case in 1923.

A schoolmate of these at the University of North Dakota was Vilhjalmur Stefansson, probably the greatest arctic explorer now living and a revolutionary thinker about the importance of the far North. Born in Canada (1879), he was two years old when his parents migrated to the Dakota prairie. A first-rate scientist and writer, he has written a shelf of books and is now preparing an Encyclopedia of the Arctic that will fill many volumes.

Nothing would seem farther removed from Icelandic conditions than the mechanized industry of the United States. Yet Hjortur Thordarson (1867–1945), coming as a poor boy of six to North Dakota, grew up to become an inventor and an industrialist. He founded the Thordarson Electric Company in Chicago, and at his death he had, in true Icelandic fashion, amassed a large library, which was bought by the University of Wisconsin.

It is fitting once each year to pay tribute to the accomplishments of the vigorous, progressive Icelandic people, who have become an integral part of the fabric of our Nation.

PRESIDENT JOHNSON AND THE SUCCESS OF U.S. LATIN AMERICAN POLICY

Mr. MONTOYA. Mr. President, former Vice President Nixon returned a few weeks ago from a tour of Latin America which contrasted sharply with a similar tour he made 9 years ago.

Nine years ago Mr. Nixon came perilously close to physical harm when Communist-inspired mobs surrounded his car in one country, and when enraged students spat on him in another capital.

But on his recent tour he was received warmly nearly everywhere he went and, occasionally, enthusiastically.

Why the profound difference in reception to a well-known political figure almost a decade later? Why was he praised in 1967, but almost assaulted in 1958?

The answer, in my opinion, springs from the maturity and effectiveness of President Johnson's farseeing Latin American policies and leadership embodied in the new phase of the Alliance for Progress.

President Johnson, and those in this body who share his hopes and dreams for a new hemispheric partnership, has wisely fashioned a Latin American policy which encourages self-help projects by Latin Americans themselves.

The President has sought effective and intelligent American financial support not only for an expanded Alliance for Progress, but also for self-help projects in agriculture, road building, education, and health. Just recently—in May—he asked the Congress to utilize $400 million in contingency funds to aid such projects through the Inter-American Development Bank and the Alliance.

It is worth while to note the observations of a thoughtful American journalist on the changed political and economic climate in Latin America. Writing in the Baltimore Sun of May 15, Mr. Arnold R. Isaacs noted:

It would be far too simple to say that the Alliance for Progress has produced the change in climate that made it possible for Nixon to travel through four South American countries last year without serious incident.

But the atmosphere on this tour cannot be credited entirely to Nixon's status as a private citizen, which makes him a less obvious target for hostile demonstrations, or even to improved security.

The Alliance years have blunted, if not erased, the bitter Latin American feeling that Washington was blind to the deep social problems of the hemisphere. There are still sharp resentments, but there is also a counterweight from those who have seen the United States commitments put into practice.

Indeed, there is a growing consensus among Latin American leaders that the United States is not blind to the deep social problems of the hemisphere.

Indeed, the concept of the Alliance for Progress has stimulated thinking and action, both in Latin America and in the United States, which goes far beyond the original idea of the Alliance.

What began as a unilateral aid program has now matured into a hemispheric partnership.

What began as our program has now become the hemisphere's program—common market, self-help programs in rural development, multinational projects in education, technology, and science.

President Johnson deserves the people's support for his magnificent vision of what this hemisphere can become through multinational self-help proj-

ects and under a broadened Alliance for Progress.

In his formal address at the summit meeting in Punta del Este, the President said, in no uncertain terms, that the United States is prepared to help accelerate activity in every one of these key areas. And Congress has been asked to—and I know will want to—join with the President in his plans for our hemisphere.

Today, the United States has a clear policy and a clear program to help our Latin American friends lift themselves to the level of prosperity and stability which they so ardently desire. A new day has arrived for the United States in its relations with its sister republics to the south. An Alliance for Progress is maturing into an alliance for the future. It will be a better future for the United States. It will be a brighter future for the 200 million people of Latin America.

That is the real meaning of Mr. Nixon's warm reception in that part of the world.

OPPOSITION TO CONTINUED ESCALATION OF THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, along with several other Senators, I have made numerous speeches in opposition to the continued escalation of the war in Vietnam. I have tried to be as persuasive as I could; but after I read the letters which I shall ask unanimous consent to have printed in the RECORD as a part of my remarks, I confess that my arguments have lacked a depth of feeling and understanding which can come only from those who have actually participated in the fighting in Vietnam.

These letters are by no means all of the letters of this character which I have received, but they are typical, and they carry a conviction and a concern which seems to me to be unanswerable. The young men who wrote these letters make one proud of our young men. Obviously, they are courageous and devoted to their country; but beyond that, they demonstrate a humanity and a concern for other human beings which is all too often submerged and obliterated in a period of violence and bloodshed.

There is nothing I can possibly say as poignantly persuasive against the continued escalation of the slaughter of the people of Vietnam, and, of course, the loss of our own soldiers. Surely, we have had enough of the killing of men, women, and children, and can now search more diligently for a way to the conference table and an honorable peace in that ravaged land.

I have deleted the names of the authors of these letters for their protection. I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. FORCES, REPUBLIC OF VIETNAM

DEAR SENATOR: I have been meaning to write this letter to you for a long while. This evening the pressures are too great to be ignored, even though they are the result of several small occurrences rather than one large disaster. Although, in one sense, the large disaster surrounds me, adding fresh dimensions of madness daily.

Last evening I listened to a VOA broadcast on "Viet Nam War Dissent in the United States." The essential theme was that those who protest the war were either Communists or cranks. And coupled with this was a sly reminder that we have our share of lunatics who wish a wider war, and that they also dissent from present policy. Not one word about responsible, reasoned objections to this war by men of principle—no, we couldn't admit that.

Following the VOA broadcast I turned to Radio Peking. The usual inanities about the "glorious thought of Chairman Mao" sounded somehow different—because I realized how close the two distortions were, in their joint disregard of truth while pursuing doctrine. I am horrified that my government is unable to admit to the world that there is any possibility of "error" in its thought. How can we expect other peoples to believe us on any subject when we tell lies about ourselves?

But this is really a small point, which only assuages a deeper discontent—this evening it is fairly quiet, but Monday, while at the province chief's house the large party enjoyed good food and loud music, in the next valley over the ridge the 500-pounders fell steadily. The villagers get a different sort of music, B–52 style.

I wondered then if we can ever put these people back together as fast as we are blowing them apart. But the PC's party didn't seem worried. No one, after all, is bombing them.

It is just that, in the past few months as an adviser to the VN Coastal Force, I have seen too often the real casualties of this conflict—the farmers and their families in the Delta mangled by air strikes, and the villagers here killed and burned out by our friendly Korean mercenaries. Even ignoring for a moment the massive presence of Americans (a thing in practice impossible), is there any moral distinction between the infiltrating of North Vietnamese units and the importation of Koreans? Except that the Communists are at least Vietnamese, and cannot possibly behave towards other Vietnamese as the Koreans do.

Of course, I do my share in the lunatic ward. I have even been reprimanded for over-enthusiastic pursuit of VC. Part of it is just compensation—it is refreshing, after seeing so many innocent people suffer, to meet real, live hostile forces capable of striking back.

This evening they showed the JFK documentary film here in the MACV compound. I could not help but feel a great sense of loss as I listened to the richly rolling phrases—whatever has become of our dream? Where is that America that opposed tyrannies at every turn, without enquiring first whether some particular forms of tyranny might be of use to us? Of the three rights which men have, the first, as I recall, was the right to life. How then have we come to be killing so many in such a dubious cause?

I wish I had more answers. But the obligation to oppose evil is pretty absolute—it doesn't necessarily depend on having an exact blueprint for entering the Promised Land.

As you are probably aware, I am possibly violating seventeen thousand directives in writing to you. But it is not possible to keep silent, as you so amply demonstrate. You remind me of Kent, in *Lear*, who in the face of dire threats from his king replied: "Whilst my tongue can yet give vent to clamour, I'll tell thee thou doest evil." I pray that you fare far better than Kent. And as a certain comedian less than half-jokingly pleads: "I want my country back." Good-night sir.

———.

Senator WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR MR. FULBRIGHT: Since returning from Vietnam ten months ago I have been following your public statements concerning Vietnam with considerable interest. I went to Vietnam, a hard charging Marine 2nd Lieutenant, sure that I had answered the plea of a victimized people in their struggle against communist aggression. That belief lasted about two weeks. Instead of fighting communist aggressors I found that 90% of the time our military actions were directed against the people of South Vietnam. These people had little sympathy or for that matter knowledge of the Saigon government. They are fighting for their nationalistic independence and whether they are communist or not does not detract from the fact that they are fighting for a cause that they believe in not because, as our government and newspapers would lead us to believe, because they are terrorized into fighting by the viet cong. People fighting against their will could not fight against such tremendous odds and bear up under continued hardship and privation. It might be interesting to note that the South Vietnamese has a miserable fighting record despite weapons and logistics superiority. We are engaged in a war in South Vietnam to pound a people into submission to a government that has little or no popular support among the real people of South Vietnam. By real people I mean all those Vietnamese people who aren't war profiteers or who have sold out to their government or the United States because it was the easy and/or profitable thing to do.

Much has been written about the terror tactics used by the Viet Cong in South Vietnam. May I suggest to you, Mr. Fulbright, that the real terrorists in Vietnam are the Americans and their allies rather than the Viet Cong! Of course I don't deny that some of the accusations levied against the Viet Cong are true but *from my own experiences the terror and havoc that we spread across Vietnam makes the Viet Cong look like a girl scout picnic.* Can you imagine what an isolated village looks like after it has been hit by over 500–750 pound bombs in a matter of seconds. Women, children, old men, cattle and every living thing is struck down without ever knowing from where their destruction originated. This particular village ceased to exist because it was in a Viet Cong dominated area and intelligence reports said it might have been used as a North Vietnamese regiment headquarters. *We never found any dead soldiers but,* as is the custom in Viet Cong controlled area, *all the dead found in the area were listed as Viet Cong killed in action in the official battle reports.* From time to time a story breaks about civilians getting killed in bombing accidents etc. but this represents a minute fraction of the total number of civilians that are actually killed. They forfeit their lives by living in Viet Cong controlled areas and resisting a government that has never done a thing for them. During my tour in South Vietnam I personally saw several hundreds of dead and wounded civilians; all had been wounded by U.S. personnel or South Vietnamese soldiers. So who are the real terrorists in Vietnam?

I also saw thousands of pounds of rice dumped in rivers and otherwise destroyed simply because some small unit commander decided that there was too much rice in this particular village for the number of people living there and therefore the surplus must be going to the Viet Cong. Here is some 2nd Lieutenant with a degree in Literature from Joe Dokes teachers college suddenly making himself an expert on Asian agriculture and family consumption patterns. These people had worked for months to bring in a rice harvest and their "defenders" had come along and destroyed it in a matter of min-

utes simply because they lived in a hostile area. Can anyone doubt who those little Vietnamese boys will be shooting at when they grow up. When they get good and hungry and it's months before the next harvest they certainly aren't going to be thinking of us as saviors. This scene was repeated dozens of times during my tour and I'm sure it is still going on but on a much larger scale.

I would like to know why we are really fighting in Vietnam. The official views expounded by our government can't seriously be considered by any one familiar with Vietnamese history or who has viewed the situation first hand with an open mind. We are not defending a free people. Who can honestly say that the South Vietnamese people were ever really free under Diem or Ky? We have taken sides in a civil war and the only possible reason I can think of is that we have this paranoid fear of communism, no matter what shape, size, or form it comes in and we are rallying to support any government that opposes communism no matter how unpopular that government is among its own people. Certainly I am not a pro-communist. But if that is what the people of Vietnam want *who are we to deny them their choice?*

So far in Vietnam over 9,000 Americans have given their lives. Magnify that number by a factor of ten or twenty and we might come close to the number of Vietnamese, both North and South, that have died. If this were truly a noble struggle to defend a free people then the loss of American lives and the casualties we are causing in both Vietnams could be accepted. But this is not the case and every American who dies in Vietnam has died in vain.

The truth about this terrible tragedy and horrible war must be told to the American public. Someone must speak up in the face of the lies and deliberate fabrications currently coming forth from our government. This brings me around to the real purpose of this letter; I'm sure that none of what I have told you about my own experiences is new to you. But I wanted to tell you that there are many, many of us in the military who oppose this war and appreciate your efforts to bring out the truth and get this thing stopped. We are not very vocal in our support because, as you know, it is perfectly alright for a military man to speak out in support of the war but to speak out in opposition would subject us to very serious repercussions. As I said there are many of us who are against our intervention in Vietnam—at the present scale; all three of my friends who went to Vietnam with me came away sharing my feelings.

At one time I thought I would make the military my career. But I could not live with myself if I stayed in the service of my own free will and was sent to Vietnam again to brutalize those poor people. I went voluntarily the first time; I could never go there again. The high number of resignations among junior officers, I think, could be a reflection of this widespread feeling.

I had intended not to sign this letter because of the possible repercussions but I will sign it and request that you keep this letter confidential. Actually you may do what you want with the letter as long as my name is not made public.

Keep up your opposition to our present policy in Vietnam with the assurance that many people share your views, even though you don't hear from all of us. Perhaps some meaningful and just solution can yet come from this whole affair.

——— ———.

P.S.—and now General Westmoreland has requested an undisclosed number of additional troops. What shall I do if I am extended on active duty and receive orders to Vietnam? I love my country but I have a higher love for justice and my fellow man. How could I live with my conscience if I went to Vietnam and killed again. It would take less courage for me to face the Viet Cong bullets and mortar fire again than to take a public stand against the war madness and the war mania spreading across the country. I pray to God some solution will be found before I am forced to make such a decision.

———

DEAR SENATOR FULBRIGHT: I was a Phi Beta Kappa History Graduate of ——— University in 1965. Later I served seven months in Vietnam with the U.S. Army. I was injured in a mine explosion March 28 and am now convalescing in ——— Army Hospital.

I have always admired your courage in protesting President Johnson's Vietnam policies. Abraham Lincoln risked his political career by protesting the Mexican-American War. John F. Kennedy's greatest act of courage may have been his speech in the Senate defending Algeria during the Franco-Algerian War. Your speeches have been in the same great tradition.

Don't let Gen. Westmoreland and President Johnson erode your will to dissent with their argument that all the soldiers "over there" staunchly support the War. They don't. Most of them are apathetic and I am by no means the only one who is vehemently opposed to it.

Two years ago McNamara and most of our Generals predicted a quick victory in Vietnam. Now General Westmoreland admits there is "no end in sight and wants 600,000 U.S. troops in Vietnam. Every American troop escalation has been matched by similar escalations on the other side, and our bombing of North Vietnam has only increased Hanoi's grim determination to continue fighting.

General Ky's government has virtually no popular support; most of his top aides sport French decorations on their uniforms. The Vietnamese people identify us with the hated French Imperialists because we support the Ky regime. By occupying and devastating South Vietnam we have gained few friends.

We are already spending nearly 3 billion dollars a month on this War; our domestic programs are losing momentum. A tax increase would further reduce President Johnson's already shaky popularity among the American people.

The President insists that he wants peace more than any man on earth. Yet few Americans and almost no foreigners believe him. Why? Perhaps because his present policy seems to be: no risk unthinkable for war; any risk unthinkable for peace.

The President must know that it was the United States who cheated Ho Chi Minh out of ruling over all Vietnam by encouraging Diem to scuttle the 1956 elections; that the "Viet Cong" are a largely indigenous group who have had legitimate gripes against the many "miracle-working" governments of South Vietnam; and that in our bombings of North Vietnam we have committed outrages for which we once condemned the Nazis during World War II. Yet he continues to escalate the War, risking confrontations with either Russia or China, as well as further alienation of world opinion, and all the time he proclaims he wants peace more than any man on earth!

As a senior Senator, and Chairman of the Senate Foreign Relations Committee, perhaps you could persuade the President to take a significant risk for peace. Since he has already staked his personal prestige and our national honor on this war, I suppose it would be impossible to convince him to withdraw our troops from South Vietnam (even though France pulled out of Algeria when she was winning, and didn't "lose face"). But if he would at least announce an unconditional cessation of the bombing of North Vietnam, he might draw Hanoi to the conference table. The generals admit that ending the bombing wouldn't impair our war effort very much (if at all), and it might very well end this monstrous war.

He should also recognize the Viet Cong (National Liberation Front) as an independent party at any peace negotiations, and should do his utmost to involve the other nations of the world, particularly the Asian nations, in his peace efforts, so that our war efforts no longer appear to be unilateral and imperialistic. By doing these things President Johnson would probably gain U.N. support, world opinion would shift radically against Hanoi if it failed to negotiate, and the Democratic Party would be immeasurably stronger at election time in November, 1968.

I know you have many more ideas of your own, and that you've probably heard my arguments many times. But at least you now know that you have some strong supporters among the soldiers who have been "over there."

With admiration,

——— ———.

Mr. FULBRIGHT. In addition, Mr. President, I ask unanimous consent to have printed in the RECORD a column written by the distinguished editor of the Miami News, William C. Baggs, who has recently visited Hanoi, and a letter written by James C. Thomson, Jr., of Cambridge, Mass., to the editor of the New York Times. Both of these messages warn of the danger of further escalating the war in Vietnam and of bringing on a war with China.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

DIPLOMATS BELIEVE CHINESE VOLUNTEERS IN VIETNAM LIKELY

(By William C. Baggs)

Various diplomats from Europe and Asia are convinced that we are on the eve of a much larger war in Vietnam . . . a war involving "volunteers" from China.

They are of the opinion that some form of Chinese intervention in the Vietnam conflict is perhaps only a few weeks away.

These are diplomats with the reputation of measuring their thoughts with care. They expressed the fear of Chinese armies in Vietnam in several private conversations in Geneva last week during a convocation to examine the requirements for peace.

One of them said: "I have learned the leaders in Peking sent word to Hanoi last month that China was prepared right now to supply troops, or 'volunteers', to fight the Americans in Vietnam.

It really is not news that China, all along, has been willing to dispatch soldiers for battle in the country to the south. However, every piece of information a reporter has been able to pick up has indicated that Ho Chi Minh, President of North Vietnam, has rejected each Chinese invitation to send in troops.

Ho and his ministers have been of the view, apparently, that Chinese troops in Vietnam could mean the end to the governing of affairs in the country by the Vietnamese. This view would explain the North Viet reluctance.

The history of Vietnam, since 40 A.D., is largely a story of Chinese domination of the smaller country. Indeed, the Vietnamese battled off and on for a thousand years to free their country from Chinese rule or domination.

In a visit to Hanoi last January, this reporter was told by various ministers of the government that North Vietnam would not accept any "volunteer" soldiers from other countries at the time, because no extra soldiers were needed then.

However, the war has greatly intensified since January, and this is the argument

which these diplomats use in saying that Chinese intervention is quite near.

"How long can the North Viets maintain the war at the present level without new help?" a diplomat asked.

He then answered his own question: "Not very much longer. Then the Chinese are going to come in. It is certainly no secret that the Chinese have told many persons that they would never permit the surrender of the North Viet government to the Americans or anyone else."

There was much talk in Geneva that the Chinese already have begun to move troops into places from which they easily could be dispatched to the south.

The private conversations in Geneva also included an examination of what the Soviet Union might do if the Chinese move into Vietnam. A person very well informed on Soviet thinking at the highest levels said:

"I believe the Soviets would like to stay out of it. But can they? Undoubtedly the Chinese would use their influence to keep Soviet troops out, because the Chinese have quite sufficient troops and they would like to have control of the affair to themselves.

"But the Soviets would increase their export of aircraft and other war materiel to North Vietnam. I think we can be sure of that."

The fear of Chinese intervention has been more evident since the war in Vietnam has become so intense. Some persons remember the sudden Chinese move across the Yalu river in the Korean war when it appeared the North Koreans could not much longer survive American military and air power.

[From the New York Times, June 4, 1967]

WIDER ASIAN CONFLICT FEARED

NOTE.—*The writer, Assistant Professor of History at Harvard, was formerly a staff member of the National Security Council.*

To the EDITOR:

As a student of Asian history and, until last autumn, an official of the Kennedy and Johnson Administrations in the field of Far Eastern policy, I write to express my alarm at the Administration's course of action in Vietnam. U Thant has warned that we may well be near the threshold of World War III. I reluctantly agree.

Two forces are at work which, if unchecked, can cause incalculable harm:

The first is the inherent dynamic of the quest for a military solution, a quest whose ultimate consequence can only be war with China and perhaps the Soviet Union. My layman's impression is that the Administration, despairing of a negotiated settlement, will give our military the step-by-step escalatory authority for which they have long pressed.

The second force is the inherent dynamic of the political process at home: the Administration's sensed need of a "solution," one way or the other, by the autumn of 1968. For all the talk of a long-protracted conflict, the facts of recent escalations belie such talk.

Add to these two forces the polarization between an apparent majority at home that sees the issue increasingly as "support for our boys" and a dissenting minority that sees few ways to influence policy except through civil disobedience and even violence.

The result is a nation, divided and distrought, that may trigger a much wider conflict with only the vaguest awareness of the issues, the stakes or the alternatives.

ALTERNATIVES REJECTED

My six years in the Federal Government revealed a melancholy truth that seems pertinent today: that at each stage of the Vietnam conflict, from 1961 onward, "constructive alternatives" have, in fact, been available and proposed, both within the Government, and outside it; that at each stage such alternatives have been rejected as unpalatable; but that all such alternatives have become progressively more palatable in retrospect, once the opportunity to choose them has passed us by.

There are things we could and should have done a year ago, two, three and five years ago, that are infinitely harder to do today. I can attest that they were in fact proposed at the time, and that they were rejected at each stage because the short-term price of doing them seemed infinitely higher than the short-term price of not doing them and continuing, instead, on the same course. But the long-term price of not doing them turns out to be compounded daily and hourly. It is a price that bears no relation to the stakes.

Can we still learn from the bureaucratic record and, for once, call a halt before we have passed the point of no return? Or will the price of nonescalation—of de-escalation—be once more calculated as unsupportably high, as we plow on toward calamity?

The Vietnam conflict is a needless war—one that could and should have been avoided. Its resolution today certainly lies with men in Hanoi and elsewhere as well as men in Washington. But the men in Washington bear the paramount obligation.

For the greatest power on earth has the power denied to others: the power to take unilateral steps, and to keep taking them; the power to be as ingenious and relentless in the pursuit of peace as we are in the infliction of pain; the power to lose face; the power to admit error, and the power to act with magnanimity.

JAMES C. THOMSON, Jr.

CAMBRIDGE, MASS., *May 23, 1967.*

Mr. FULBRIGHT. Further, Mr. President, I ask unanimous consent to have printed in the RECORD a dispatch by Richard Harwood, published in the Washington Post of June 15, 1967, calling attention to the tight censorship of news existing in Saigon. It is important that all of us realize how distorted the reports from Saigon are likely to be under such conditions of censorship.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

SOUTH VIETNAMESE CENSORS KEEP A TIGHT REIN ON PRESS

(By Richard Harwood)

SAIGON.—On May 9, Nguyen Ky Nam, the most professional of Saigon's publishers, was ordered by the government of General Ky to shut down his newspaper for 30 days.

His offense is unclear. An American official noted in his reports at the time that Nam's newspaper, The Sacred Bell, had been warned earlier in the year "to stop propaganda for the Vietcong" and that he had finally been punished for "smearing the ARVN"—meaning the armed forces of General Ky.

Nam has another explanation. The action was taken, he says, because he published a series of articles urging an indefinite ceasefire in the war to permit peasant refugees in the cities to return to their villages and reestablish themselves on the land.

The specific words or articles that gave offense are less important than the incident itself and what it represents: an attempt by the Ky government to direct and control all channels of communication in South Vietnam.

There is only one radio network in the country (except for the clandestine station of the National Liberation Front) and it is operated by the government. There are two television outlets—one of them government-owned and the other a facility of the U.S. armed forces which represents no threat to the policy of controlled information.

There is a single centralized press agency comparable to the Associated Press or United Press International—the Vietnam Press Agency—which is governed by a board appointed by the government and is managed by Director General Nguyen Ngoc Linh, who is at the same time the chief public relations adviser to General Ky.

There are many newspapers—27 dailies in Saigon alone—but they are very tightly controlled, as the experience of The Sacred Bell suggests.

The first control is the censorship mechanism. Every day at 10 a.m. each newspaper in South Vietnam submits to the commissioner general for information and open arms page proofs of everything it intends to publish that day.

Whatever is unacceptable to the commissioner general's staff of censors is stricken by the simple device of removing the offensive type from the printing presses. The result is a number of blank spaces in the papers each day where sentences, paragraphs or entire articles were meant to appear.

The second control mechanism is money and paper. The newspapers of South Vietnam are given newsprint quotas by the government. In the free market, which in this case means the black market, newsprint sells at about $4 for 500 sheets.

The government, however, makes it available to newspapers at $3 for 500 sheets, a subsidy that amounts to about $120,000 a year in Saigon alone. Without the quota a newspaper cannot publish. Without the subsidy they would make less money.

U.S. ATTITUDE

The American attitude toward the censorship and propaganda policies of the Ky Government is not negative. U.S. officials note with obvious disapproval in their reports that certain Saigon newspapers fail to take the "correct" attitude toward certain happenings. The Saigon daily, Aurora, was recently described in an official U.S. report as a paper that had once "played up war-weariness" in South Vietnam and that now "plays up VC (Vietcong) prestige and scorns U.S. presence."

Other papers are praised in the reports for printing publicity handouts and pictures from the American propaganda headquarters here, the joint U.S. public affairs office.

The case of Nguyen Ky Nam and The Sacred Bell, is, in one sense, special. Nam, according to the Americans, is "pro-French, pro-VC". His newspaper, with a circulation of 40,000 daily, is taken seriously by both the Ky government and its American advisers. "His paper," an American analysis says, "has great impact on the working and middle classes."

AMONG LARGEST

One explanation for that impact is that The Sacred Bell is, by all standards, the best paper in Saigon in terms of appearance and style. It is also one of the largest of the Saigon dailies.

It is, furthermore, one of the few dailies in Saigon which rejects the conventional wisdom here that the war will be won with guns, troops and bombers.

Its publisher, Nam, is an old man in Vietnamese terms—about 65 years of age. He was very close to the French government in the 1930s and 1940s. His editor in the early 1950s was Nguyen Van Hieu, a brilliant propagandist who is now the deputy chairman of the National Liberation Front, which is nicknamed the Vietcong.

Nam's position, as he describes it, is that the war is senseless, that the NLF desires peace, that all South Vietnamese desire peace after years of war.

NOT ANTI-AMERICAN

He says that he is passionately anti-Communist, that he is not anti-American because two of his daughters live in Hanover, New Hampshire, and that South Vietnam will never go Communist even if a coalition government is formed with the NLF.

But he is suspect because he is what would be called a "peacenik" in the United States. "All members of the NLF," says Nam, "want

peace and a cease-fire. Everybody in Vietnam wants peace after 22 years of war. They want peace now following a cease-fire; following a peaceful settlement, the Americans can give us assistance, and we can become a prosperous nation like West Germany. Even Ho Chi Minh (the president of North Vietnam) has said that South Vietnam cannot be communized."

This point of view, of course, is totally at odds with the point of view of the Ky government, and with the point of view of many American officials here.

What the government expects of the newspapers of South Vietnam was stated unequivocally in a "communique" which all Saigon newspapers were required to publish a few days ago.

In exchange for newsprint subsidies, the communique said, the newspapers of South Vietnam should mesh their private interests with "the national interest." In practical terms that meant that the press should carry out four tasks assigned by the Ky government. The first was to "develop the anti-Communist spirit among the masses." The others demanded accuracy in the news, "constructive editorials," "sound recreation," and cultural uplift.

The newspapers in Saigon are not only profitable but also important instruments of political thought, from all indications. The National Liberation Front, for example, is said to prohibit the circulation of all but two Saigon newspapers in areas under its control. One of the papers acceptable to the VC is said to be the paper published by Nam, The Sacred Bell. The other is a popular, nonpolitical daily that carries serialized stories of love and adventure.

The Ky government's assessment of the power of the press is reflected in its reaction to The Sacred Bell.

The Americans who profess a distaste for censorship says that Ambassador Ellsworth Bunker has urged Ky to let the newspapers report the election campaign freely and to comment without fear of reprisal on the issues and candidates, Ky included.

Ky has yet to decide whether this will be done.

CRISIS IN THE COURTS

Mr. DIRKSEN. Mr. President, I have been putting in the RECORD the series of articles entitled "Crisis in the Courts" by Howard James and published in the Christian Science Monitor. I now ask unanimous consent to have printed in the RECORD articles seven and eight.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 24, 1967]

BAIL ABUSES

(By Howard James)

It was a mild evening in January when I visited a night session of Pittsburgh's municipal court.

Because the new night court had been lauded as an important improvement in Pittsburgh's system, I was poorly prepared for what I found there.

Business was slow, so the judge was indulging in horseplay, rollicking around the courtroom. This went on for about a half hour before he finally took the bench. A handful of people, waiting for a hearing, watched silently while he wisecracked with a bystander.

Equally casual were the comings and goings of a man who from time to time walked to the bull pen where prisoners were kept. Sometimes he disappeared into another room. When I walked into the room, he was standing near the safe, chatting with the two policemen assigned to the court. Occasionally he would go into the restricted area where the judge's chambers are found.

The man was a bail bondsman, and from all appearances he was using the courtroom to conduct his business—hardly in keeping with accepted court practices.

My immediate impression was that the judge was setting high bails for the profit of this bail bondsman. When I questioned the judge, he denied it. But he did admit that he set one bail high to help detectives extract a "voluntary" confession from a man accused of burglary.

DEFENDANT THREATENED

Police told the defendant the judge would set a high bail unless the man admitted to the crime. When he did, the judge said:

"That's how it's supposed to work."

Despite the questions raised by the conduct in that Pittsburgh courtroom, the idea of having a judge on duty after hours is considered by some court officials as a step forward in expediting justice.

In many cities defendants arrested in the afternoon or evening (and most are) sit in jail at least until the following morning. Sometimes days pass before they get a hearing or make bail. Men lose their jobs and their families go on welfare because of this.

Even though the defendant is later released on bail, freed for lack of evidence, or even acquitted, the damage has been done.

New York and Philadelphia now have 24-hour courts. Pittsburgh's is open until about 2 a.m.

BAIL BOND OFTEN MISUSED

Many thoughtful lawyers and judges interviewed are concerned over bail-bond practices. Few Americans realize how involved and costly getting out on bail can be. (The professional criminal knows: He retains a standing bail bondsman and writes off the bondsman's fee and the bail as a "business expense.")

It has been estimated that there are more than 3,000 bail bondsmen across the United States. Most of these operate out of shabby little offices and are backed by little more than 10 of the nation's surety firms.

"A central fault of the existing system is that it detains too many people, with serious consequences for defendants, the criminal process, and the community," asserts the President's Commission on Law Enforcement and Administration of Justice. "The first step of reform is to introduce fact-finding procedures which will furnish immediately after arrest verified information about the accused and his community ties.

"With this information a rational assessment of the risks can be made, and where there is no significant risk the defendant can be released without bail."

I was appalled to find, as I traveled the nation, how easy it is for a citizen (or policeman) to have someone thrown in jail. Either can swear out a warrant and have a person arrested on a grudge. The charge may be totally unfounded and ultimately dismissed. But the arrest takes place. And the law provides little practical recourse for the arrested person.

A problem involving police-initiated arrests arises from the difficulty of getting the arresting officer to appear in court to testify. There are at least two reasons for this:

Usually a policeman must testify on his own time—taking the morning or afternoon off from work and making it up later or simply spending part or all of his day off in court. Obviously such a system does not encourage the officer to appear.

But sometimes an officer is vindictive and wants to see the defendant punished. So the officer deliberately fails to show up in court. (This is especially true when the policeman knows he is short on evidence.) The result is that the defendant must keep coming back to court until his accuser shows up. Such police-caused delays can cost a man money in time off from work. He may even be held in jail if unable to make bail. The taxpayer foots the bill for his "room and board."

SYSTEM ABUSED

The abuse of the arrest-jail-bail system by police to usurp the authority of the court and punish those arrested remains widespread. I found evidence of the practice in every section of the nation.

In Des Moines, policemen used to be under orders to arrest men for OMVI—operating a motor vehicle while intoxicated. Under this order officers would arrest for OMVI even when they knew they lacked evidence to obtain a conviction.

"The boys figured the defendant would at least be rapped for the bond [defendants pay a bail bondsman $25 to write a $300 bond for OMVI] and also spend a night in jail," said Capt. Wendell Nichols. The OMVI charge was probably valid in 9 out of 10 cases, he added.

In effect the police were using some arrests as punishment, knowing they wouldn't stick.

It was the penalty imposed on "that 10th fellow," plus a recent upgrading of the police department, that finally brought about a change in the Des Moines arrest philosophy.

Many agree with Pittsburgh's noted Common Pleas Judge, Ruggero J. Aldisert, when he says bail bondsmen are "vultures." In some states bondsmen demand payment of up to 10 or 20 percent of the bail. The defendant loses this money—even if charges are later found false.

On a good night an unethical bondsman, with the cooperation of a judge, police, or lawyers can pocket a sizable sum—all in the name of "service to humanity." And this type of judge, policeman, or lawyer often gets "gifts" or outright kickbacks for services rendered.

OTHER JUDGES QUESTIONED

On that night in Pittsburgh the judge was setting bail of between $500 and $5,000. Bail bondsmen in Pennsylvania are supposed to receive a 6 percent fee. But as Judge Aldisert said: "Who knows what a poor devil may pay? These fellows collect whatever the traffic will bear."

During the evening I also found some men unable to make bond.

The next day I asked other Pittsburgh judges about what I observed in the night court.

One of them, Ernest C. Jones, who had been promoted to chief magistrate by the Mayor a few days earlier to clean up the city courts, said he was disturbed by what I had found.

Immediately after our conversation he ordered a crackdown.

He banned bail bondsmen from the courtroom. Now prisoners select a bondsman's name from a printed list and make the contact by telephone. Mr. Jones said that the amounts of bail have been reduced: Those charged with misdemeanors (less serious crimes) now get out on $500 bail, instead of $1,000 as in the past.

Among other security measures, Mr. Jones has also installed a lock system with a master push-button that controls the doors to the courtroom. (Shortly before my visit, a policeman was shot with his own revolver in a corner of the courtroom complex.)

Mr. Jones pointed out he also is currently cracking down on delays in bringing defendants from outlying areas into court—delays apparently caused by the ties that exist between policemen and certain bail bondsmen.

SURPRISED IN PHILADELPHIA

The effect of the changes—and the need for them—were immediately made apparent.

The night I left Pittsburgh I flew to Philadelphia. When I walked into the night court in that city I had expected to quietly blend into the crowd unnoticed.

To my surprise an assistant district attorney, Ned Wolf, walked over and shook my hand, saying, "You must be the reporter from The Christian Science Monitor."

When I asked him how he knew, he said someone from the Pittsburgh court had called (without Mr. Jones's knowledge or permission) to tell them to watch for me. The Pittsburgh informant even gave out a description. The Pittsburgh court shake-up had already begun, even though I had not as yet written a word.

Some of the shortcomings of the Philadelphia court system have already been covered in this series. There, as in other cities, abuse of the bail-bond system is reported to be widespread.

The new 24-hour court had difficulties almost before it started. There were reports that bail bondsmen put pressure on lower-court magistrates to stay off the job. Whether or not there was such pressure, some of the magistrates refused to sit. They were subsequently ordered to by Chief Administrative Judge Vincent A. Carroll.

According to Edward J. Blake, court administrator, there has been significant improvement. All bail transactions have been ordered out of the courtroom and must now take place in the office of the clerk of courts. Fines are no longer paid directly to the magistrate.

As Mr. Blake put it: "The time had come for the money changers to get out of the temple of justice."

BONDSMEN DEFEND SELVES

District Attorney Arlen Spector, who supported the new court, had said earlier that it would help eliminate the "opportunity for bail bondsmen to profiteer."

Bondsmen assert that their greatest service is going after the man who jumps bail. This to avoid paying the forfeiture.

"The person on bail actually belongs to us," said an Indianapolis bondsman I interviewed at length. "We don't have to go through all that legal stuff like extradition.

"One fellow drove to Florida. He was on $5,000 bail. We picked up the man, put handcuffs on him, and brought him back. The law says we can use whatever force it takes to bring him back."

A sharp bail bondsman can, without too much effort, make "at least $10,000 to $15,000 a year," he added.

In Indiana he must "have a clean record, pass a test, and put up collateral of $2,500 up." The actual risk is usually taken by a surety company—although in several states visited I found that cash in the bank, property, or even thin air are used by bail bondsmen to back up their bonds. Some write more bonds than they can cover.

COLLUSION PLAINLY IMPLIED

In Indianapolis I found that some bondsmen and lawyers may work hand and glove, referring business to each other.

"What court are you going to be in?" one bail bondsman asked a client as I listened. (The man named the judge.) "Then call Frank, " he said. "He can take care of you."

As the discussion continued, the implication was clear that the lawyer had the judge "in his pocket."

In Oklahoma City the law was changed after it was found lawyers and shady characters were in the bond business. As one court official put it:

"A bondsman might own a lot that wasn't worth $100, yet he would list the lot in a $100,000 bond. We had over a million dollars in forfeitures on fake paper. The bonds weren't worth the paper they were written on."

A former bootlegger was writing bail bonds on real estate actually owned by the Roman Catholic Church of Tulsa and Oklahoma City diocese.

This resulted in bail reform there. Bail bondsmen are now registered with the state insurance commissioner. They work through surety companies, and post cash or securities to back up their business.

Yet on one of the days I visited Oklahoma City a former bondsman was in court for getting a defendant released on phoney papers.

The picture is grim. The problems nationwide.

INEQUITY STRESSED

In calling for changes, President Johnson has said:

"The defendant with means can afford to pay bail. He can afford to buy his freedom. But the poorer defendant cannot pay the price. He languishes in jail weeks, months, and perhaps even years before trial."

The President's Commission on Law Enforcement and the Administration of Justice cited these examples of the problem:

"A man was jailed on a serious charge brought last Christmas Eve. He could not afford bail and spent 101 days in jail until a hearing. Then the complainant admitted the charge was false.

"Another man spent two months in jail before being acquitted. In that period he lost his job and his car and his family was split up. He did not find another job for four months."

Sometimes, too, if there is a great public hue and cry about a particular crime, bail may be set so high as to become meaningless as a protection to the defendant.

Despite the dark picture, much of the court-related reform that has taken place has nevertheless been in the area of bail bond.

Much of the credit goes to Louis Schweitzer, a New York City industrialist and engineer. Learning that a man could sit in jail for a year or more in New York because he lacked money to pay a bail bondsman, Mr. Schweitzer formed the Vera Foundation (named for his wife) in 1961.

Foundation employees began screening defendants for the courts to see how many could qualify for release on their own recognizance—or signature—without paying cash.

The plan was so successful that now more than 100 cities use it to some degree.

Yet I found none that begin to measure up to the New York plan.

In 1964 the Vera Foundation (now the Vera Institute of Justice) turned its release-on-recognizance (ROR) research project over to the Probation Department of the City of New York.

Last year that department, with 40-plus employees, screened 64,458 defendants and found 35,458 qualified for interviews. Of these, 20,937 received favorable recommendations. And 9,938 were actually released. Another 3,226 were released by judges on information provided by the ROR staff without the favorable recommendation.

NEW YORK INCREASED STAFF

New York City budgeted $298,000 for the program in this fiscal year, which ends June 30. With the 24-hour court now in operation the staff has jumped from 40 to 83.

New York officials estimate that millions of dollars have already been saved in New York by this system—both in taxpayers' money and in money that might be paid to professional bail bondsmen. For it costs $7 a day to hold a man in jail, and it is estimated each man is held an average of 15 days.

"Under ROR he is allowed to go back to his job," says Henry H. Smith, chief of the ROR program in New York. "Before, his family probably had to go on welfare to eat. And it has helped solve a very serious housing problem in the Corrections Department, where there is a great shortage of space."

He also asserts that perhaps up to 65 percent of those who are involved in the program have charges dismissed or are found not guilty when they have their day in court.

How many fail to show up in court?

A 1965 study shows about 1.8 percent, an average that approximates or betters that of professional bondsmen.

STATISTICS MISLEADING

Yet a more recent report shows that the figure may be closer to 4 percent in New York City. This may reflect flaws in the court system rather than in the ROR program.

Mr. Smith gives this example:

A young man was arrested for possession of burglary tools. Living at home with his parents and working full time, he was released under the ROR program.

This young man showed up in court 15 times on the charge. Each time the arresting policeman failed to show up in court.

On the 16th court date the young man failed to appear. He was fed up with the whole thing, Mr. Smith says. Then the man was arrested on a bench warrant. The ROR program chalked up a "failure." Yet the officer still did not appear in court.

Finally, with the help of ROR people, the judge dismissed the charges against the young man.

OTHER SOLUTIONS SOUGHT

It is hoped that in New York City the 24-hour court will resolve some of the police failure-to-show problems.

Des Moines has a program called pretrial release. In a metropolitan area of more than 200,000 persons it operates on a budget of $15,000 by using six students from Drake University Law School. Each works part time.

It was launched by the Hawley Welfare Foundation in 1964. Since then 3,116 interviews were held and 2,595 (83 percent) were found qualified for release. Of these, 2,269 (73 percent) were released, with a no-show rate of 1.3 percent.

Figures on the total number arrested in the period are not really meaningful. For although city police arrest roughly 9,000 persons a year, 4,612 were charged with being drunk last year, and 1,709 were picked up for moving traffic violations. Add to this the number of those charged with disorderly conduct and vagrancy and those with out-of-town addresses (thus not eligible for ROR) and it indicates that a high percentage of those who might spend several days or weeks in jail are being released.

There is a side benefit, says Captain Nichols: Letting a man out on his own signature helps reduce bitterness toward the police.

ABUSES DESCRIBED

Los Angeles officials also tell how bail bondsmen abuse their position to take advantage of an inexperienced public:

New York relatives of a man charged with a felony (serious crime) called a bail bondsman to ask how they could get the relative out of jail. He told them to send him (the bondsman) a check for $1,650, although he knew full well that the bail was set at $1,100. (Normally this would require surrending only $100 to the bail bondsman).

After sending the court its $1,100, "the bondsman ran up over $400 in expenses" before the defendant realized what had happened, a court spokesman asserted.

Since 1963 Los Angeles has had an OR (own recognizance) program. It is headed by Bill Box, who has a staff of five investigators and one clerical assistant.

All defendants are now given an OR application when they are arraigned in municipal court, he says. The following morning those who make application are interviewed.

"All we do is evaluate a person's character," Mr. Box says. "We look at his past record and check with schools, neighbors, employers, and other references he may give out."

But the tiny staff means that "we don't have time to get to everybody." To solve that problem "we put those with the best possibility of getting OR'ed on top of the pile and

those with the least possibility on the bottom."

The office handles only about "a dozen a day—favorable and unfavorable."

JAIL STAY UNCERTAIN

And a man may remain in jail two or three days or more before he is released under the system. Others are able to post cash bond. And others get out when charges are dropped.

"Many defendants are never brought to arraignment," Mr. Box says. "They are held 48 hours, and they find something is wrong (lack of evidence, for example) or the complaining witness changes his mind."

Only felonies are covered.

"This program was offered to Municipal Court, but it was turned down," Mr. Box explains. "Each judge makes his own decision there."

Other advantages? In January, taxpayers of Los Angeles County were saved at least $43,000 in jail costs, according to Mr. Box's records. This saving was in addition to welfare payments to a defendant's family, income taxes he pays on earnings the defendant would otherwise lose, and other side benefits.

VOLUNTEERS NOW INVOLVED

Perhaps the most liberal program I saw was in San Francisco.

John Ballestrasse, a bail bondsman, complained that "hippies" are being OR'ed left and right. He said 95 percent of them are arrested for narcotics violations. Those who peddle narcotics always have plenty of money and can well afford bail, he said, yet they are OR'ed.

I was in the office with Mr. Ballestrasse when he returned from jail with a young Negro he had bailed. The Negro had been "arrested for loitering," said Mr. Ballestrasse. "All he was doing was watching the hippies."

Incidentally, Mr. Ballestrasse's office was not the sleezy type of office out of which most bail bondsmen operate. It was well appointed and presided over by an attractive blonde.

The OR program has put some bail bondsmen out of business. It is operated by 12 VISTA workers under the federal antipoverty program, 25 law student volunteers, plus youngsters working in the Neighborhood Youth Corps.

Between Aug. 26, 1964, and Feb. 28, 1967, a total of 18,731 prisoners have talked to staff members. Of these, 13,475 have been processed, and favorable recommendations presented in 4,226 cases. And 3,196 were OR'ed.

This can be compared with Los Angeles, a far larger city, where between January, 1965, and January, 1967, only 4,954 applications have been processed and 1,228 prisoners released.

TWO-YEAR EXPERIENCE CITED

Yet San Francisco's "failure to show" record is better than that of Los Angeles. For San Francisco's program shows 2 percent of those released did not come to court. In Los Angeles the rate was 2.9 percent.

And a spokesman for the San Francisco OR project asserts that bail bondsmen have a failure-to-show rate of 6 percent.

Cuyahoga County (Cleveland) with a population more than double that of San Francisco County, launched its bail-reform project in April, 1965.

In two years a total of 716 persons have been released, with a failure-to-show rate of 1.9 percent. Of those released, 88 were charged with carrying concealed weapons, 76 for burglary, 65 for auto theft, 64 for forgery, 49 for poor relief (welfare) fraud, and 43 for grand larceny.

No recent study has been made of expansion of the Vera Institute's Manhattan Bail Project, which has successfully extended OR to the "little guy," Vera officials say. The best estimate is "over 100 cities."

It has also been found that those released on bail are more often acquitted or put on probation by judges than are those who stay in jail pending trial. This is partly because a free defendant can build a better defense. In jail he cannot help his lawyer find witnesses, and his ability to confer with his lawyer is limited.

Also, a judge may be more inclined to rule against a man who cannot raise bail or secure release under the new recognizance programs.

ILLINOIS PLAN PRAISED

I found widespread national interest in the plan, but bail bondsmen and others who oppose it have successfully blocked it in hundreds of other communities.

Illinois is credited with coming up with one of the best systems. A recently passed state law permits a defendant to post 10 percent of the bail in cash with the court—the amount once paid to the bondsman. Under the new law the defendant will get back 90 percent of the money posted if he appears as required.

He may also post 100 percent in cash (also acceptable in most other states) or in securities. Or he may pledge double the bond in local real estate holdings.

While it has curbed abuses by bail bondsmen, problems are still popping up.

A Chicago judge, Louis W. Kizas, has been suspended by Chief Judge John S. Boyle. Judge Boyle said Judge Kizas may have written 688 bail bonds in a 17-month period. (Since the initial statement, the investigation hints that the figure could top 1,000.) Judge Boyle said Judge Kizas' assignment to the small-claims civil court would not normally involve setting bail in even a dozen cases.

PATTERN SUGGESTED

Judge Boyle also said these bail bonds were set at odd hours, sometimes when Judge Kizas should have been in his own courtroom, and often during the night or early morning hours. (Judge Kizas' courtroom was one of those frequently found empty as reported earlier in this series.)

A Chicago police investigation shows a pattern developing. Bonds were set low in some cases. In others, no cash was required. Most were for defendants accused of serious crimes.

An impeachment hearing is being held this week before a special commission called by the Illinois Supreme Court.

One investigation has charged that a "tight little group" of policemen and lawyers may also be involved. A second judge is being investigated, although no charges have been leveled. Officials hint that the investigation may be expanded as they seek to determine whether money was exchanged.

The investigations indicate the need for more supervision and control in the system.

In other cities aggressive newspapers have uncovered other bond scandals. Yet, too often abuses continue unchecked.

Meanwhile, many bail bondsmen make huge profits. They justify the old bonding system as "the American way" or the "free enterprise way."

TRAFFIC SYSTEM CRITICIZED

I found other bail problems.

In some states motorists are permitted to post "bail" for traffic offenses, then forfeit the pay instead of appearing in court or paying the fine.

"This all-too-common procedure smacks of enforcement for revenue—a sad commentary on the integrity of our judicial system," one official of the Traffic Institute at Northwestern University writes.

As I found disparity in sentencing, so also I noted widespread inequities in bail—both in traffic and in criminal cases.

A study released in March by the judicial council in the State of Washington shows, for example:

In Yakima County a motorist charged with a hit-and-run death must raise $1,100, while on Mercer Island the bail is $150, and in White Salmon $250.

Following too close requires a $44 payment in Yakima County and $10 in Union Gap.

Disregarding a flagman has a bail requirement of $104 in Clallam County and $10 on Mercer Island.

Efforts are being made to bring about more uniformity in Washington.

Bail reform is slowly gaining headway. More progress can be found here than in other court problems. Yet most courts still operate under the old system.

[From the Christian Science Monitor, May 31, 1967]

LAWYER TROUBLES

(By Howard James)

At last leading lawyers are talking openly—at least within their own ranks—about the bitter complaints aimed at their profession.

Despite hopes that changes will soon be made, the complaints—both unjustified and legitimate—can be heard in nearly every city in the United States, much to the chagrin of thousands of lawyers.

"Every president of the American Bar Association receives a considerable volume of mail complaining of conduct of lawyers, and of the unwillingness of lawyers to discipline their fellow lawyers," says Lewis F. Powell Jr., of Richmond, Va., a former ABA president, in a speech released at that group's midwinter meeting in Houston.

"There is no greater frustration than that of a layman who has a complaint against a lawyer either for neglect of duty or lack of fidelity," Mr. Powell explains. "He knows that only in the rarest case can he recover damages in court—even if he can persuade another lawyer to represent him. In the exceptional case of obvious criminal conduct there may be recourse through the prosecutor's office.

"But in the typical case of a grievance by a client against a lawyer, the only feasible recourse is through channels within the profession. This means, in too many instances, no recourse at all."

MANY COMPLAINTS VALID

Part of the problem: Citizens don't know where to turn when they have lawyer troubles. And even when they find out, it may be hard to get the local bar association's grievance committee to do anything about it, Mr. Powell adds.

How many complaints are valid?

"A high percentage of these are no doubt without foundation," Mr. Powell says. "Many result from misunderstanding or ignorance. Others reflect the understandable resentment of disappointed litigants. And some originate from the 'nuts' who complain about everything.

"But many complaints against our brothers are not groundless, and despite diligent and dedicated work by grievance committees and the available staffs of state and local bars, many complaints are never adequately investigated or pressed to formal action. A certain number of lawyers guilty of misconduct, which discredit the entire profession, are never disciplined."

As I traveled the nation, sitting in courtrooms and talking with lawyers, judges, prosecutors, policemen, law professors, and citizens, I was surprised to find there is little agreement on what is and is not ethical.

This includes handling of clients, fees charged, use of chicanery—deception or trickery—in the courtroom, taking advantage of "loopholes" in the law to free guilty clients or break contracts, and hiding facts that would harm a client.

"I'm known as a lawyer who can find loopholes in air-tight cases," says Valdahe Pitman, a well-known Oklahoma City trial lawyer. And he adds that he is proud of this reputation.

It is quite evident that corporate lawyers have different standards from criminal

lawyers. An expert in trusts, real estate, or in other specialty areas also operates on different moral principles—depending upon, among other things, his background, personal philosophy, and the client he is handling.

CONFLICT MULTIFACETED

Geoffrey C. Hazard, executive director of the American Bar Foundation in Chicago, sees the conflict over ethics as caused by several interrelated problems:

Lawyers have established for themselves a professed level of ethical aspirations that is quite high—so high that it is extremely hard to live by them.

Few individuals in society are so exposed to huge temptation as are lawyers. Thus the opportunity for unethical practice is increased manyfold.

What lawyers do, how they work, and how they think of themselves and their professions varies a great deal. This is directly related to their background, attitudes about work, and other attitudes.

Lawyers' ideals are embodied in canons of ethics that are based upon a profession living in the 19th century. These canons suppose a lawyer is in a single-lawyer office, skilled in all things he takes on, judged by his reputation, and bound by very personal ties of honor.

It is assumed every lawyer in the United States lives in a town of 25,000 or less and that every lawyer relies on the canons of ethics as his guide.

In fact "the lawyer and his work is very much transformed from that," Mr. Hazard asserts. A very high percent work in large cities, in "group settings," in large firms, or in government. Yet the "canons are based on the old model" of the lawyer.

The apparatus for enforcing the ethical conduct of lawyers is exceedingly feeble. It is, in most cases, loosely organized, poorly staffed, and not particularly aggressive.

With lawyers coming from varied backgrounds, doing many unrelated things in their work, governed by outdated rules and a weak system of enforcing rules, and exposed to great temptations, problems arise.

"This is true of everybody in a position to exploit someone," Mr. Hazard adds. "It is as true for accountants and newspaper reporters as lawyers."

Part of the problem centers on who runs the local bar associations—those private groups presently charged with the huge, and often neglected, responsibility for policing their own ranks.

GROUPINGS DIVERSIFIED

In some states, the lawyers are divided into groups related to the kinds of things they do. Corporate lawyers band together. Trial lawyers form another group. In other states all operate under the same umbrella. There may be little understanding of each others' problems. And one group—as a whole—may be more ethical than the other.

The corporate lawyer almost never enters the criminal courts. He has had little or no training in law school to help him understand criminal court, since law schools generally teach how to look up the law, not how to practice it. And when a corporate lawyer finds himself in criminal court with a client—perhaps a case of income-tax evasion or price fixing, he may want the courts to have two standards:

A tough one for the run-of-the-mill law breaker, who steals hubcaps and tires or a fur coat;

And lenient standards for the corporate executive who may take millions, but is "a solid member of the community"—a "prominent citizen."

It becomes clear that lawyers, while condemning other lawyers, may have "blind spots" in their own areas of interest where they rationalize unethical behavior.

Part of the problem is lack of information about the profession.

The American Bar Association, which forms one big tent over all kinds of lawyers (although far from all lawyers belong to the ABA) finds it difficult to even define what a lawyer is and does, says Barlow Christensen, an ABA research attorney assigned to look at these big questions.

LAY FIELDS OVERLAPPED

Many jobs a lawyer performs are also handled by laymen, he points out. Real-estate brokers make property transactions and do it quite legally—although lawyers consider this within their province and warn people that not having a lawyer present is a big risk.

Accountants, bookkeepers, and everyday citizens fill out tax reports. Some lawyers make tax reports a specialty.

Someone other than a lawyer can appear before many of the semijudicial governmental boards and regulatory agencies, yet today a number of lawyers specialize in this.

It may even be more meaningful to list what a layman cannot do—like take a case for a client before the Supreme Court—to get at what a lawyer does in our society.

Thus specialization and ethics are both problem areas, and are found to be interrelated—especially when ethics must be considered in the framework of "the lawyer's work."

300,000 LAWYERS IN COUNTRY

There are roughly 300,000 lawyers in the United States. No one really knows how many appear in court, however, I found that in large cities the civil and criminal trial bar may consist of 1 or 2 percent or less of all lawyers in that city.

Yet in rural areas almost all lawyers spend a third or more of their time in court.

In Spencer, Ind., for example, a community of about 2,600, there are six practicing lawyers, a part-time prosecutor, and a full-time judge. One father-and-son firm does a limited amount of trial work, while the other four lawyers spend much of their time in the trial field.

Use of lawyers' services vary widely. Of the 300,000 lawyers, it is estimated by the ABA that 10 percent, or 30,000, are on corporate payrolls—about 26,500 in private industry, over 2,000 working for educational institutions, and another 1,000 working for "other" private employers.

Another 10 percent work for the executive and legislative branches of government. Of these nearly 8,000 work for cities and counties. Roughly twice that number are on the federal payroll, while about 6,500 are on the state level—many of them working in the state attorney-general offices.

Some 9,000 are employed full time by the courts—federal, state, and local. An undetermined number, but several thousand, are part-time judges.

This accounts for only about a quarter of all lawyers. Another 12,000 are reported to be retired or inactive. But there is no clear explanation of what the 200,000 in the "private practice" of law do. Some are specialists, handling only defendants or only plaintiffs in auto accident cases. Others enter a courtroom a dozen times a year, or less. And a few spend most of their working time in court.

SPECIALTIES HARD TO MEASURE

Some specialize in divorce. Others handle only one or two divorces a year, if any. A number work in the field of real estate. How many no one knows.

In the field of auto-accident litigation specialization increases the confusion.

Take Al J. Cone of West Palm Beach. He heads a firm of 19 trial lawyers and only works in the personal-injury field.

A number of Florida lawyers accept injury cases and try to settle them out of court. When that fails (out-of-court settlements can run as high as 90 or 95 percent of all injury cases filed), these lawyers may turn the case over to Mr. Cone for trial because their field of specialization is not in the courtroom.

"I paid one West Palm Beach lawyer $38,000 in referral fees last year," Mr. Cone told me. "I'm satisfied that if he tried the same cases he wouldn't have made $6,000 or $7,000. And the clients would have been hurt far worse."

SMALL-TOWN PRESSURE

"There are dozens of other practices [fields] I don't know anything about," he adds. "I would be almost guilty of malpractice if I tried to handle a will-contest case, real-estate titles, or a patent case, for example."

Yet thousands of lawyers who may be less qualified than Mr. Cone in these specialized areas do take these cases every year.

This is especially true in a small town. Says a leading Iowa judge:

"In smaller communities the lawyer has to take all of a client's business, or the client will take his business elsewhere. This probably means handling tax matters, for example, although the lawyer may not really want to."

In large cities the large firms—some with 40, 50, or 100 lawyers—have teams of specialists. One team may prepare cases, then turn them over to the "persuaders"—lawyers who know how to be convincing with a jury or can skillfully handle a judge. And many of these firms deal largely with corporations.

Of the 200,000 lawyers in private practice, roughly 114,000 are in one-man firms. Many accept all the business that walks in the door, and they do it gratefully. Practicing law can be feast or famine, lawyers report.

But a one-man firm may have nobody to help look up law—unless he has a skilled secretary. If it is a case involving a trial, he may handle the investigation, interview witnesses, take care of the paperwork, put the pleadings in the proper form, help pick a jury, and argue the case by himself. Some do it well.

Yet too many lawyers are poorly prepared for this by the law schools.

CORPORATION WORK ACCENTED

"A typical American law-school curriculum is designed primarily for turning out associates for large city law firms, and corporate work is undoubtedly a substantial part of that firm's work," says Prof. B. J. George of the University of Michigan.

One of his colleagues, Prof. Yale Kamisar, adds: "The young lawyer is much more qualified to argue a case before the Supreme Court of the United States than in the lowest police court."

A New Jersey civil trial lawyer admits that "when I was starting out in the practice of law I simply took my clients for a ride. I used them to gain experience, and they suffered horribly in the process."

When pinned down, the more candid lawyers in small firms admit this to be true.

This, then, is the backdrop for the great confusion over professional ethics and what can be expected of a lawyer. It is behind much of the great frustration a layman feels when he deals with the law and the courts.

It is coupled with what is called "the public turmoil over morality" in the United States. It involves a lack of practical enforcement of ethical standards for the lawyer in an era when the lawyer's role is changing. According to Professor George, it also includes a widely prevalent law-school philosophy of many years' standing that ethics cannot or should not be taught.

FORMAL COURSES SCANTY

"In most schools a senior gets three or four lectures on the canons of ethics," says Professor George. "That's all he gets."

Yet lawyers deal with human problems and

are confronted with difficult judgments every day. Ways of handling them vary widely. Lawyers, judges, professors cite many examples:

One of the most difficult: A corporate lawyer finds, while looking over a client's books, that the firm is cheating on its taxes or hears that certain executives are engaged in price fixing. Should he confront the company president—probably to be fired? Should he find ways to cover up for the firm? Tell the Internal Revenue Service or Justice Department?

Some lawyers and most laymen find it equally difficult to know what to do in criminal cases where the client is obviously guilty. For our system says a man is innocent until proven guilty, thus giving guilty men the same right to a fair trial as those who are innocent. Hence, many criminal lawyers will do everything possible to get their man off, even when he has—in a confidential interview—admitted his guilt.

To do anything else is "childishness," says a University of Chicago law professor.

REPUTATIONS OFTEN RISKED

Or take the case of a young man who admits to his lawyer that he raped a minister's daughter who is engaged to the son of a bank president. The town knows what has happened. The youth can testify he used to go steady with the girl and she voluntarily submitted to him on many other occasions. The young man faces a long prison term because the judge is tough on rape cases. Should the lawyer put the young man on the stand and ruin the girl's reputation?

Lawyers find this harder to answer, usually prefer not to put the boy on the stand. But there is some division on this, too.

More thought is being given to these problems than in the past. Monroe H. Freedman, a law professor at George Washington University, is one of those stimulating the thinking in the criminal field—although he is often criticized for it.

He asks, among other things:

Is it proper, when a witness is telling the truth, to discredit him by aggressive cross examination? Is it proper to put a witness on the stand when you know he will commit perjury? Is it proper to give your client legal advice when you have reason to believe that the knowledge you give him will tempt him to commit perjury?

He points out that Canon 15 of the American Bar Association's canons of professional ethics tells lawyers they should give their "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability. . . ." The canons also admonish lawyers from violating the law and require candor toward the court.

On the question of discrediting a truthful witness, Professor Freedman contends that if it serves justice and the lawyer's client is innocent, the "attorney is obligated to attack, if he can, the reliability or credibility of an opposing witness whom he knows to be truthful." But Professor Freedman carefully qualifies the circumstances.

On the question of expected perjury, he contends that lawyers soothe their consciences with phrases like "legal fiction" instead of lying. Legal fiction begins when the lawyer pleads a guilty man innocent.

Other lawyers, he says, choose to remain "selectively ignorant." This is done by insisting "in his first interview with his client that, if his client is guilty, he simply does not want to know.

A LAWYER MAY WITHDRAW

"Perhaps the most common method of avoiding the ethical problem is for the lawyer to withdraw from the case, at least if there is sufficient time before trial for the client to retain another attorney."

This, however, merely passes the buck to another lawyer.

Others may tell the judge of the problem, which could result in a mistrial, says Professor Freedman. Or, he points out, a lawyer may let the client take the stand, turn his back, take no part in the story telling, and then make no reference in his closing arguments to the lies his client told.

Professor Freedman contends an attorney has no other choice than to put the defendant on the stand and let him commit perjury if the lawyer is to honor the canon of confidentiality.

On the question of giving the client legal knowledge that might tempt him to commit perjury, Professor Freedman argues that the client should know the laws that are involved in a case—even if informing the man about the law may tempt him to lie.

He contends, as do most other trial lawyers interviewed, that under the adversary system of justice "the most effective means of determining truth is to present to a judge and jury a clash between proponents of conflicting views." Anything less than a full-fledged defense effort, he says, causes this system to break down.

ABA COMMITTEE AT WORK

Because of these knotty problems the American Bar Association has a committee, headed by Edward L. Wright, of Little Rock, Ark., rewriting the canons of ethics.

The present canons were framed in 1908, Mr. Wright points out, and hardly apply to the present age. Further, they are long-winded, although often in beautiful language.

He hopes that by 1968 a terse list of "thou shalt nots" will be ready, followed by commentary of greater length.

Already the ABA has formed a committee on evaluation of disciplinary enforcement.

Associate Justice Tom C. Clark of the Supreme Court, who heads the committee, said in an interview that little is known about the number of violations or the methods of disciplining lawyers who violate the canons.

"We may go around the country and hold informal regional hearings to gather information," he says. "The committee was formed to see what the states are doing—if anything, how they are doing it, and what effect it is having."

GROUP ONLY ADVISORY

The committee will not have enforcement powers, he adds. At most it will be able to point up "horrible examples" and then offer a model system for states to adopt if they care to.

When ethics are discussed, two studies are usually mentioned.

One is "A Study of Segments of the Legal Profession in Manhattan and the Bronx," by Jerome Carlan. It is both condemned and praised.

Mr. Carlan points out that of a group of 20,500 lawyers, 22 percent, or 4,500, committed some serious violations during the year of his study. Yet fewer than 2 percent of lawyers who violate the canons go through disciplinary machinery, and only about .02 percent are disbarred, suspended, or censured.

In a Missouri public-relations survey in 1962–1963 it is pointed out that 22 percent of the lawyers surveyed believe that half of the Missouri lawyers break the code of ethics and 5 percent of the lawyers believe "few lawyers" observe the code.

COURT PRESSURES HEAVY

Sometimes lawyers harm the interests of clients because of pressures and problems related to the courts. This is especially true in the criminal field.

One nationally known New York attorney complains that judges induce lawyers to plead clients guilty because "they don't take cases in the order they appear on the docket."

"I got to court at 9:34 this morning and my case wasn't called until 3:21," the lawyer explains. "In criminal court the client isn't like a fat, rich corporation and can't afford to pay a lawyer for the waiting time. And the criminal lawyer isn't making enough to spend all that time standing in the corridor.

"With the poor calendar control here we might have our witnesses assembled and be ready to go to trial and they don't get to my case at all. It's easier to plead guilty and get out of there."

Dean Erwin N. Griswold of the Harvard Law School has often said there are too many lawyers in the United States, but not enough good lawyers.

This has long been true in the criminal field, although that is starting to change. The brightest young lawyers from the prestige schools are usually snapped up by the nation's big law firms.

Criminal fees lawyers charge can vary, too. Says one Washington lawyer: "Here they vary from $10 to $100,000. Often a criminal lawyer—unless he is a "name" lawyer like F. Lee Bailey—takes what he can get. And in advance. Many of these problems have been covered in earlier reports in this series.

But little mention has been made of recent Supreme Court rulings that bring the right of legal counsel to those who need it most—the poor. This will be discussed in the next article in this series.

Meanwhile, calls for self-policing by the legal profession continue to mount.

As Orison S. Marden, president of the American Bar Association, says:

"I am convinced most lawyers want a vigorous disciplinary program. We can have it only if the profession at large supports the effort. I earnestly solicit that support.

"Let us get rid of the bad apples—who bring undeserved discredit upon the great body of ethical practitioners—and let us curb certain dangerous tendencies among fringe elements in the profession.

"Let us always remember that we are members of an honorable profession—dedicated to service of the public. There should be no room in our ranks for those who practice law as a business, rather than as a profession—with morals no higher than those tolerated in the marketplace."

SECURITY COUNCIL AND THE HUMAN RIGHTS CONVENTIONS—XC

Mr. PROXMIRE. Mr. President, today, as the United Nations Security Council is so very much in the headlines, I think it would be wise to examine the history of that great power forum and its recent comments about international human rights.

During the drafting of the Charter of the United Nations, the United States and the other four major powers insisted upon some way in which the inherent inequality of nation-states could be institutionalized. They recognized that it would be unrealistic not to permit the United States, the U.S.S.R., Britain, France, and China to have the power to say "No" on important peacekeeping functions.

Mr. President, I have come before this body during every session of the 90th Congress to stress as forcefully as I can that without worldwide protection of human rights, there can be no peace.

In Vietnam and the Middle East we are not only spectators but hostages to the aggression of those who refuse to recognize the inherent dignity of either

their own citizens or of the citizens of other nations.

I cannot overemphasize the inescapable fact that human rights must be recognized by all men and by all governments before a state of peace and tranquillity can descend upon the earth.

In April of 1966 the Security Council adopted a resolution proposed by the United Kingdom and joined by the United States which called the situation resulting from the threatened landing of oil in Mozambique for transmittal to Rhodesia a "threat to the peace."

Yes, Mr. President, the Security Council officially determined that a human rights problem within the borders of one geographical area was a threat to the peace. The resolution concluded: "Needless to say, a threat to the peace is a most urgent matter of international concern."

I call the attention of the Senate to the five international human rights conventions that are presently before the Foreign Relations Committee. There is a Convention To Protect Freedom of Association. And there is one designed to prevent and punish the crime of genocide. A Convention on the Political Rights of Woman, one on slavery, and one on forced labor have recently been studied by an ad hoc subcommittee and reported favorably to the full committee.

Mr. President, I think the crises throughout the world compel us to accept the fact that the rights of all men everywhere must be protected, if world peace is to become a world reality. Let us all bring about one significant step on the road to world peace. Let us ratify these human rights conventions.

COMMENCEMENT ADDRESS BY SENATOR MONDALE

Mr. MUSKIE. Mr. President, last week at the commencement exercises of the Kansas State College of Pittsburg, Kans., the junior Senator from Minnesota [Mr. MONDALE] had the honor to address the 1,200 graduates, their families, and friends.

Senator MONDALE's speech was scholarly and stimulating—and of special moment to us in the Senate. His subject was "Education and Public Responsibility"—a topic high in my own concern.

In the course of the address he had praised for our colleague, the senior Senator from Rhode Island [Mr. PASTORE] for his brilliant leadership in advancing the Public Broadcasting Act of 1967.

The address of Senator MONDALE has such merit and meaning as to deserve a permanent place in the records of Congress where so much of this public responsibility resides.

I, therefore, ask unanimous consent for the insertion of Senator MONDALE'S commencement address in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EDUCATION AND THE PUBLIC RESPONSIBILITY

President Budd, distinguished members of the faculty, graduates, students, and friends of Kansas State College of Pittsburg. I know this is a wonderful school, because it is headed by an old friend of mine from Minnesota, President Budd.

It's always a pleasure to be allowed to speak at a commencement, especially a college commencement. Somehow it is a sign of dreams and promises that have come true, and it is truly so in our Great Middle West. Graduates and families are to be congratulated.

The 1,200 or so of you who are receiving degrees today represent a tremendous investment, and not only in terms of your money and your effort and the material and nonmaterial resources that have been gathered together on this campus to make this day possible for all of you.

Somewhere back there, in the founding of this college and the many others like it that mark the landscape of this region, there was an investment of faith.

I like to think that some of your leaders of the past had at least an inkling that what they were starting would turn into what Kansas State College of Pittsburg has become. I admit it is hard to believe that they foresaw that thousands of people would be gathered here today as witnesses to this annual ceremony of graduation.

But whatever the size of their conception, there was one. And it was based on faith—faith in the future of people, faith in a system that demands education for its business, for its government, and for its quality of life.

It is impossible to overestimate the magnitude of the vision and its accomplishment that is Kansas State College of Pittsburg. For their investment has brought a huge profit.

And education itself has become almost an organic being itself, feeding on the knowledge of the past, giving birth to new knowledge at an astonishing rate, increasing itself in almost geometric proportions, and giving unbelievable benefits to the human beings who nurture it and are nurtured by it in its never-ending life.

And this being exists not only at Pittsburg, Kansas, but at St. Cloud, Minnesota, and Slippery Rock, Pennsylvania, and Berkeley, California, everywhere that the investment has been made and continues to be made.

New colleges and new kinds of colleges spring up everywhere alongside the old ones, and the old ones continue to grow. They also change, as the needs of the nation require more of its people and new things of its people.

And the colleges contribute to the conception of the nation as the nation contributes to the conception of the colleges, in a continuous interaction between the people and those who would change them.

For change is what education is all about. It is a cliché to mention it, but it is easy to forget.

I remember a controversy not very long ago in my home state of Minnesota, when claims were being made that its great university should be investigated because it was subversive. The fears of many, I believe, were made eloquent by the mother of a University sophomore. "I sent my daughter away to the University," she lamented, "and when she came back she just wasn't the same anymore." We are bound to be worried by change, but it is the price of growth.

Like the pioneers of this great region who made a great experiment with state support of public higher education, we are pioneering today on the national level. Some of the experiments being undertaken today may one day be judged as bold and visionary and magnificent as we now judge the great attempts of the past.

We have learned to think of education as a national resource rather than a purely private one or local one. And along with that change in our conception has come a parallel change in our method of support.

Among the graduates here today are many with bachelor's degrees, a good proportion with master's degrees, and some with specialist's certificates beyond that level of attainment. Every single one of you has been directly affected by the new federal involvement in higher education.

Many of you have had federal loans, and look forward with more or less enthusiasm to repaying all or part of them. Many have contributed to your own educations and to the college as well through the college work-study program, where 90 per cent of the money you have earned has come through federal grants.

Many have used library materials which federal support made possible. Federal support has contributed to particular programs in which students and faculty have been involved, and the list goes on, and it will grow longer.

And more than half of the graduates at this commencement will teach in schools where the federal involvement continues to grow. Many of the buildings were constructed with Federal assistance. More than $4 billion in programs were administered by the U.S. Office of Education during the current fiscal year, and contributions came from many other agencies as well.

Public funds have always gone to education, of course. But we are beginning to see a growing federal involvement as we continue to see education as a part of the Public Responsibility. Education is now fully established as a public, national effort.

And the Public Responsibility for education is taking other forms as well. As a nation we are coming to realize that powerful educational forces exist outside the classroom and outside the formal educational institution.

We have always known that experience was a teacher of sorts, whether the best or something less than that. Now we are beginning to consider seriously the quality of the experiences that make up education outside the classroom.

One of these experiences, and my principal topic today, is the experience of television. It always comes as a shock to me to realize that most of you who are graduating today have lived virtually all of your lives with television.

That is a benchmark that separates us as generations, and it is also a sign of the growth and change that has characterized our lives. The founders of this college may have had a vision of 1,200 graduates in a single year of Kansas State College of Pittsburg, but I cannot imagine that they saw how pervasive a part of your lives television would be.

Because television has always been a part of your lives, you may view it somewhat differently from the way those of my generation do. The fact that the average American spends about 3½ hours a day watching television may not be a matter of concern or importance to you.

It may seem perfectly normal and acceptable to you that one and one-half billion man hours per week are spent in this country watching television. You may not be at all surprised by the phenomenal growth of television as a medium of communication and entertainment within the span of your lifetime, nor troubled by television's impact on this country's citizens.

Indeed, you may simply view television as one of the great advances in civilization which your predecessors are proudly passing on to you.

To some considerable extent such a reaction would be quite understandable and would have some basis in fact. The technology which has made television possible is truly indicative of the means now available to weld together the people of this nation and the people of the world—to bridge areas of misunderstanding and make possible direct communication among cultures of various types. The technological capability, however, is clearly not being used entirely for these objectives.

Of the billion and a half man hours a week spent with television in this country, only the smallest fraction is devoted to enlightening the human mind or bettering the human condition. This magnificent medium has been used in this country primarily to titillate rather than teach, to entertain rather than educate.

Our failure to exploit the full potentiality of television provides the background for what may turn out to be one of the most important federal ventures in education of our time—the Public Broadcasting Act of 1967.

In his State of the Union message to the current Congress, the President declared that "we should develop educational television into a vital public resource." The Public Broadcasting Act of 1967 has now passed the Senate, in a measure to provide for continued development of educational broadcasting to serve the needs of our people more completely.

This proposal is a clear recognition by the President and the Senate that television should be as much a part of our public concern as the highways upon which we drive, the lakes upon which we fish and in which we swim, the forests in which we hunt and hike, the air—hopefully pure—which we breathe.

We are concerned about our safety on the highways, our happiness in the outdoors, our health in our atmosphere. We also have—and are now recognizing—a public responsibility to assure the wisest and most beneficial use of the broadcast frequencies over which radio and television programs are disseminated.

The Radio Act of 1927 and the Communications Act of 1934 clearly established that the airwaves over which radio and television programs are transmitted into our homes belong to the people.

Stations which broadcast on assigned frequencies—or airwaves—do so by the consent of the people. Only so long as they fulfill their obligations and maintain their operations in the public interest are they eligible to continue such transmissions.

The very basis upon which radio and television broadcasting exist—the airwaves over which the programs are transmitted—are a public resource belonging to all the citizens of this country. It is indeed time to more fully develop that resource to meet the highest aspirations of the citizenry.

Important progress can be made in that direction by developing educational television into a vital, dynamic force in our society—by helping it become a service truly alternative to the dulling diversions to which we have for the most part been submitted.

We have a well laid foundation upon which to build a growing and dynamic educational television service in this country. In 1951, 242 channels were reserved by the Federal Communications Commission for such educational television stations. By May of 1962, 82 ETV stations were on the air broadcasting on these assigned frequencies.

In 1962 the Congress enacted the Educational Television Facilities Program and for the first time support was available from the Federal Government to assist in the construction of new ETV stations.

That program is due to expire in July of this year, and so it is possible at this point to assess its success. When the program expires there will be 183 ETV stations on the air or under construction, more than doubling the number of such stations since the program was initiated.

The number of people served by these educational television stations will have increased from 105 to 155 million people. However, to achieve our goal of serving 95% of the people of each state with educational television, at least 200 more stations will be required.

At the same time that this growth in broadcast facilities has been taking place, ETV's impact on the society at large has also been increasing.

In 1962 for example, approximately 2½ million viewed an ETV station at least once a week. By 1966 that figure had more than doubled; ETV today is reaching more than 6 million American homes once a week.

It is possible to estimate that during any given week-day evening hour ETV is being viewed by 700,000 to 1 million people in this country. In addition, about 6½ million students from kindergarten to the 12th grade during the 1965-66 school year received some of their classroom instruction by way of those same educational television stations.

The quality of the programs presented on ETV has also shown some improvement. National Educational Television has perhaps dramatized this improvement of quality most.

The President's State of the Union message last January, for example, marked the first time that a live interconnection was established on a nationwide basis among educational television stations. Wide critical acclaim accrued to NET for the quality of its coverage of that speech and the commentary that preceded and follow it. This program and the discernible increase in regular program quality present clear evidence of ETV's potential.

Despite this progress, however, it is still accurate to say that ETV is merely on the threshold of the development needed to provide the service the nation requires.

Individual ETV stations suffer from a condition close to poverty as they attempt to meet the needs of their communities. NET's resources for programs of national significance and importance are in no way equal to the needs that are apparent. It has become quite clear that additional support is required for ETV to assure the growth required.

The Senate has already passed, under the brilliant leadership of Senator John O. Pastore of Rhode Island, The Public Broadcasting Act. It is currently under consideration by the House of Representatives.

The Act will continue the educational television facilities program which was enacted in 1962 to assist in the construction of new educational broadcasting state.

It will establish a Corporation for Public Broadcasting along lines generally proposed by the Carnegie Commission. And it will authorize the Secretary of Health, Education, and Welfare to conduct a study of instructional television to recommend the support and organization required to utilize television most effectively in formal instruction.

It can indeed be said that this has been and continues to be educational broadcasting's year. Public awareness of the potential of educational broadcasting has probably never been higher.

But the public's expectations of educational broadcasting also have increased. The challenge to make significant progress, therefore, is that much greater.

The significance of television to the growth and change—to the education—of young people cannot be overemphasized. Research indicates that children begin school with greater vocabulary, greater reading skills, greater awareness of the world as a result of television. They can, for example, read with ease most of the billboards advertising beer and soap.

In schools, of course, a strengthened television effort would have vast potential to improve the effectiveness of instruction. Given proper support for the development of excellence in quality, television can be used to demonstrate, to present specific learning experiences, to motivate independent performance, and, of course, to bring the events of the world into the classroom for analysis and discussion.

Really good television can help schools keep up with the rapidly changing face of our society, the rapidly changing skills and knowledge which we require, and the urgently changing requirements of peaceful and productive relationships with the variety of cultures and countries with which we share this planet.

To meet needs of these dimensions we need to enlist every resource at our disposal, not the least of which are the newest and most comprehensive means of communication.

But public television as envisioned in the Public Broadcasting Act of 1967 has potentialities far beyond classroom applications.

In a letter to the Carnegie Commission on Educational Television, E. B. White spoke of the opportunity of noncommercial television in these words:

"Noncommercial television should address itself to the ideal of excellence, not the idea of acceptability—which is what keeps commercial television from climbing the staircase. I think television should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautauqua, our Minsky's, and our Camelot. It should restate and clarify the social dilemma and the political pickle. Once in a while it does, and you get a quick glimpse of its potential."

Imagine public service broadcasting unconfined by the need to sell products, by the need to reach the largest total audience with commercial messages that all too often emphasize quantity of sales and not quality of product.

Imagine programming which could base its judgments about content on esthetic grounds or service to the citizen, enthusiastically rather than grudgingly.

Imagine television offerings which could be directed to special audiences without the necessity of considering whether such audiences are massive, without worrying about whether only 16.3 million watch the program compared to the 17.2 million watching another station.

Imagine, in short, a powerful communicative tool which is perceived as a means of enriching the lives of the American people rather than the bank accounts of American corporations.

Imagine having a real choice.

That is what may be in our future under the Public Broadcasting Act of 1967.

The Act and its authorization of $9 million is only a first step toward these goals. But James Reston has hailed it as possibly "one of the transforming occasions of American life," comparing it to the Morrill Act which established land-grant universities in 1862, and quietly transformed American public higher education. It is a recognition on the part of the Congress and the President that this powerful medium of education is also a part of the Public Responsibility.

As public television develops, the investment will be large. Both the instructional aspects of television and the general educational aspects will require many times this year's proposed appropriation.

Public television will never be self-supporting, just as Kansas State College at Pittsburg will never be self-supporting and was never intended to be. It will require a continuing commitment of common treasures in the interest of growth and change—in the interest of education, which today may be the single great requirement for the preservation of our way of life.

This is a world of international and domestic tension. This is a world of technology which is outstripping our capacity to deal with it as human beings. This is a world which requires sensitivity and powers of

judgment among its citizens in proportions unmatched in any place or time.

This is a world which requires the marshalling of all of our resources of education. The power of television is one of those resources, and it must be used so that the spirit of the individual is not suppressed but is allowed to flourish and grow.

Our goal is simply stated: we want to achieve the betterment of man through the proper application of man's knowledge. It will tax our wisdom, our strength, our purpose, our resources, to achieve that goal. It is the goal of education, in and out of institutions of learning.

That is the Public Responsibility.

RUSSIA AND THE MIDDLE EAST

Mr. MURPHY. Mr. President, there has, I feel, been some confusion and misunderstanding concerning the position of the Soviet Union in the Middle East crisis.

A provocative and intelligent column by Roscoe Drummond in the June 15 Washington Post cuts through the confusion and I believe gets to the truth about the dangerous game Russia has played in the Middle East as in other parts of the world.

I ask unanimous consent that Mr. Drummond's column be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA AND MIDEAST: EFFORTS FOR PEACE OR WAR?

(By Roscoe Drummond)

There is this theory on the Middle East crisis: the Soviets certainly helped avoid war at this time.

This, I am convinced, is dangerous and wishful fiction that will get us in trouble if we don't watch out.

The premise on which this wishful idea is being built is that the Soviets deliberately decided that they would rather work with the United States to contain the conflict than to help Nasser win.

The hope behind this view of Moscow's role in the Middle East crisis is that the Soviet government will join with the West in encouraging the Arabs to adopt a policy of peaceful coexistence with Israel.

It seems to me that what has happened thus far does not bear out this premise or give much substance to this hope.

I believe that the controlling facts are these:

1—By every device at its command, massive military aid, substantial economic assistance, plus total diplomatic support for the Arabs and total hostility to Israel—Moscow gave Nasser the go-ahead in his announced plan to destroy Israel. Was this detente? Was this Moscow's way of cutting back the cold war? Hardly. It was the most dangerous cold war venture since Khrushchev tried to secrete missiles in Cuba.

2—Was the Soviet Union holding any checkrein on Nasser and on what he would do with the help he was getting from Moscow? Was the Soviet Union thinking all along on how well it could cooperate with the United States to avert war or to contain it if it broke out? There is no such evidence. The evidence, as reported by Robert H. Estabrook, United Nations correspondent of The Washington Post, is that Soviet military equipment, especially spare parts, was being poured into Cairo on the very eve of the war, thus seeking to make sure that the Arabs would not run out of supplies as the fighting progressed.

3—Numerous news stories suggest that because Premier Kosygin told President Johnson over the Hot Line on the day the fighting started that he wanted to cooperate with the United States in restraining the belligerents, this meant that the Soviets put the highest premium on keeping the peace.

It is wiser to judge Soviet policy on the basis of its actions rather than on its words. The Soviets did not restrain the Arabs; only Israel restrained the Arabs.

Some suggest that because Moscow finally supported a U.N. call for a cease-fire without any Israeli pullback, this meant that the Soviets were acting with great prudence and eagerness to avert a spreading conflict.

This conclusion is unproved because the Soviets opposed the U.N. call for a cease-fire in the earliest stages of the war when it appeared that Nasser could win and accepted it only when it became clear that Nasser was losing.

The conclusion that Moscow was ready to work with the United States to contain the fighting is unproved because the necessity for doing so never arose. Israel won the war so quickly that the danger of the United States and the U.S.S.R. being drawn into it never developed and therefore the events of the past week cast little light on how prudently Moscow would have acted under different circumstances.

Obviously the Soviet Union wants no direct military confrontation with the United States and most certainly does not want world war. But the truth is that it helped start a war between Egypt and Israel, did nothing to contain it until Egypt was at the point of collapse, and therein showed that it was prepared to take the most perilous risk of starting a conflict it could not stop.

It would be a welcome dividend if Moscow decided to work for peace instead of conflict in the Middle East. But the record shows we had better not count on it.

THE 50TH ANNIVERSARY OF THE FEDERAL LAND BANK OF NEW ORLEANS—ADDRESS BY SENATOR ELLENDER

Mr. ELLENDER. Mr. President, on June 6 I had occasion to address the officials, membership, and staff of the Federal Land Bank of New Orleans as the bank celebrated its 50th anniversary. Chartered by the Congress on March 8, 1917, the bank made its first loan early in June, 50 years ago.

I was very happy to take part in this golden anniversary celebration. The Federal land bank system is one of the most successful creations of the Federal Government, and has served our farmers and the Nation well over the years.

Under the changing agricultural conditions of the country, I sincerely believe that the land banks and allied agriculture credit agencies are destined to fill an even more important role in the production of our food and fiber. The demand for agricultural credit will increase materially in the future, and the records indicate that our agricultural production will become increasingly dependent on the continued availability of credit assistance. To fill this need such institutions as our Federal land banks will continue to be absolutely essential.

We have already seen a rapid increase in the amount of farm mortgages and debts. I am proud that the record also shows that our farmers have the ability to manage their increasing credit requirements safely and wisely. Farm debt delinquencies are insignificant, foreclosures are practically nonexistent and the record of repayment is very good.

In an address delivered at the golden anniversary meeting, I went into the history of our farm credit system and the role which the system will be called upon to fill in the future. Mr. President, I ask unanimous consent that my remarks at the 50th anniversary celebration of the Federal Land Bank of New Orleans be inserted in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALLEN J. ELLENDER BEFORE THE FEDERAL LAND BANK OF NEW ORLEANS, NEW ORLEANS, LA., JUNE 6, 1967

I wish to congratulate the Federal Land Bank of New Orleans and its officials and workers on your 50th anniversary. You were chartered on March 8th, 1917 and your first loan was made in the first week of June, fifty years ago.

Our unsurpassed agricultural production is one of the marvels of the world. Many factors are responsible. Research is one. Ingenuity and intelligence of farmers in adapting to changes have also made substantial contributions. Most important, however, has been the contribution made by a steady, adequate and understanding source of credit. Without adequate capital little progress could have been achieved.

The creation by Congress in 1916 of the Federal Land Bank was a legislative landmark in the history of our nation's agriculture. From this modest beginning there has developed a source of dependable, responsive and sympathetic credit for our farmers, unmatched in any other country of the world. This first step took great vision, but I doubt that those responsible for the original Act of 1916 actually envisioned the efficient and progressive system that has evolved through the years.

The Farm Credit Administration as we know it today developed rather slowly. It was about six years after the Federal Land Banks and National Farm Loan Associations began operations that the Federal Intermediate Credit Bank was established. Production Credit Corporations and Associations and Banks for Cooperatives were not authorized until 1933. And in 1933 the various farm credit institutions and associations in operation were transferred by an Executive Order of the President to the newly created Farm Credit Administration. Additional changes were made and today we have in action an efficient and effective line of credit for farmers.

I think it is important to emphasize that the effectiveness of the Farm Credit Administration and the lack of real controversy over its operation can be traced directly to the sound principle of securing loan funds in the open market, at market rates. Originally backed with Federal capital, the Farm Credit system today is almost wholly farmer-owned. And all of you can be proud of the fact that the Federal Land Banks *are* wholly farmer-owned.

Splendid leadership and sound business management at every level must be credited with a considerable share for this achievement. This is especially so since agriculture is not static, but rather a dynamic, ever-growing, ever-changing institution of many parts and of great complexity. It is beset with unpredictable weather, wide variations in prices and ever-changing demands. This is well illustrated by the situation we have witnessed in the past ten months. Early in 1966 there began a gradual price rise for agriculture generally. All commodities did not share alike but the price trend was up. There were high hopes among our farmers across the country that good days were ahead. Since August of last year, however, farm prices have decreased by almost ten percent.

While this set-back is temporary, the fact remains that the lack of stability in the pro-

duction and marketing of agricultural commodities weighs heavily upon the ability of farmers to plan and finance their operations. It also makes the task of the lending institutions more difficult.

Congress has recognized this, and as a result we have price support and other farm programs which provide a degree of stability not otherwise attainable, and yet permit market forces to operate.

The present programs, developed over a long period of time, will form a base for agriculture to move into an era of even greater efficiency than at present and a degree of prosperity which in the years ahead will provide farmers with the parity of income so long fought for.

Existing programs now enable farmers to sell competitively both domestically and abroad.

They use production payments to maintain farm income, and acreage diversion when necessary for supply management.

They encompass government buying programs that will step up sharply when a bumper crop produces an oversupply, whether that commodity is price supported or not.

They call for a minimum of government participation, and give farmers more discretion in making their own farm plans than they have had at any time since the early 1930's.

And finally, they provide the stability absolutely necessary for orderly progress.

The programs which have been in effect for the past few years have contributed substantially to an improved agriculture.

This is amply illustrated when we consider that in the six years since 1960, farm net income has *risen* by $4.6 *billion*—a *gain* of 40 percent, and gross farm income by 31 percent.

Net income per farm between 1952 and 1960 rose about nine percent. Since 1960, net income per farm is up 70 percent.

In 1952 farm people per capita had 59 percent as much income as nonfarm people. In 1960 this had fallen to 55 percent. Last year, the percentage was up to 66.

Today the surpluses of wheat, corn, vegetable oil, rice, and milk are gone. We have reduced the tobacco surplus. We also expect the cotton carryover this summer to be down to about 12 million bales—nearly five million below last year.

The disappearance of the surpluses is clearly evidenced in the declining government investment in farm commodities. The Commodity Credit Corporation investment in farm commodities is now down to about $4 billion—compared with about $8 billion in the peak years of 1956 and 1959.

Farm exports today are higher than ever before. Six years ago U.S. agricultural exports had climbed to the then all-time high of about $4.8 billion.

Last year our exports totaled $6.9 billion—up 44 percent—and this year they should be above $7 billion.

Commercial exports—dollar sales—have had a particularly rapid growth. Dollar exports rose from $3.3 billion in 1960 to $5.3 billion in 1966—a gain of nearly 60 percent. We are headed for a new dollar record of $5.4 billion this year—more than our total shipments amounted to in any prior year to 1963. We now have some 37 percent of the world wheat trade—almost half the world feed grain trade—and over 90 percent of the world soybean trade.

Since 1961 we also have made a concerted effort to make rural America a better place to live. The revitalization of rural America which is now going on finds more rural people enjoying pure water, better housing, better community facilities, improved schools, medical services, and an increasing number and variety of off-farm jobs.

Our progress in serving rural America is clear-cut. For example, in 1961 the Government helped finance 33 rural water systems. Since then, we have doubled the number of systems financed each year, until last year alone the Federal Government helped about 1,000 communities install water or disposal systems. Further, last year and this the Senate has passed a bill sponsored by me which would encourage rural community development by providing Federal grants for planning purposes.

My reason in bringing these aspects of farm life into this meeting are threefold. First, I think that agriculture has reached a point today from which it will move into a more prosperous era. Perhaps I am overly optimistic about this but the fact remains that I see only better years ahead. Of course, we can expect year-to-year variations but the trend will be upward.

Second, it should be clearly understood that the combined wisdom of Congress, the Administration, farm leaders and others interested in agriculture have produced the best environment for a progressive agriculture which their capabilities permit.

The laws enacted are not perfect. The many changes that have taken place since the original enactment of the Agricultural Adjustment Act of 1937 have all been directed toward the development of a better life for farmers. Programs are designed in light of what is known today and they are expected to change in light of what tomorrow will bring. For example, the very farm credit laws under which you operate have been amended on a number of occasions. In my opinion, each change has been for the better and has permitted you more wisely to provide the type of assistance to farmers most needed under the existing type of operation. As agriculture changes, so must you change.

My third purpose in pointing out the benefits of the existing farm program and some of the anticipated changes has to do with credit needs of the future. As our agriculture grows on a solid basis of market price and an expanding demand, the credit needs of agriculture will be more acute and difficult.

To get an idea of what may happen to farm debt and credit requirements in years ahead look a moment at what has been happening in recent years. Farm debt in this nation has risen much more rapidly in the last ten years than during any other ten-year period of history. Yet, while this sharp growth in debt has been occurring, farmers in this country have been reorganizing, enlarging and improving their farms and their productive efficiencies with great speed.

Studies and appraisals of the changing farm economy lead us to conclude that the growth of debt has been one of the most important means by which farmers have been able to obtain the land and other capital resources they need to increase their output, their efficiency and their incomes. Since further large improvements in farm production, and in per capita farm income, are anticipated, no doubt we likewise can expect a further growth in farm indebtedness. The ability of farmers to manage large amounts of borrowed funds will become increasingly essential to their progress in farming.

When, for the first time the national farm debt grew by nearly $3 billion or ten percent in a single year—in 1962—many of us were alarmed. Most of us had been taught that debts should be avoided just as much as possible; you borrow only if you get in a real tight spot, and you repay just as soon as you possibly can. So the large jump in farm debt in 1962 frightened many people.

But since 1962, the annual increase in farm debt has never been less than $3 billion, and last year, when money was so tight, farm debt rose $4½ billion, or 12 percent, the largest increase ever.

Although there is still some uneasiness about the rapid rise in farm indebtedness, loan repayment rates indicate that farmers are managing their debts wisely. Farm debt delinquencies are insignificant, foreclosures are practically nonexistent, and repayments are very good—all of which is very reassuring.

No doubt most of those farmers who were borrowing were able to earn larger incomes partly because they were borrowing—they were borrowing to buy more land or better machinery and equipment, or otherwise to buy the things they needed to farm better. Their increased earnings gave them the revenues to repay their loans. Of course, there always are some farmers who must borrow because of emergencies, crop failures, poor incomes, or for similar reasons, but this is not the rule.

Because of the growth of the farm debt in recent years the Department of Agriculture has undertaken studies of the uses farmers make of credit, and the characteristics of farmers who borrow heavily. These studies substantiate the view that the overwhelming majority of farmers use credit wisely. One of these studies pointed out that the farmers with the heaviest debts operated much larger farms than they could have operated on a fully-owned, debt-free basis.

Farmers with the heaviest debts owned 3½ times as much land, and operated six times as much as they could have owned and operated without borrowing or leasing. Leasing of land has also become an important method farmers use to gain resources. With their incomes increased by renting and borrowing, these heavily indebted farmers were better able to meet their payments when due.

As long as change continues to occur in agriculture at the pace of recent years, farm credit needs will remain large and farm debt will continue to rise. Most farmers who are in the process of acquiring or developing well equipped farms of efficient size cannot save at a rate sufficient to meet their needs for additional capital.

If farm debt in the next ten years were to increase at about the same rate as in the last ten, the total farm debt—now about $46 billion—would reach almost $100 billion by 1977. This seems like a stupendous figure—just as $25 billion seemed like a huge figure not many years ago. But significant increases in debt are ahead if our agricultural economy is to continue to make substantial progress.

The value of the farm plant will rise greatly also, though less rapidly than debt. As the per-farm capital requirements increase, it will be less possible for the farm operator to own the entire enterprise. And many farmers will own smaller portions of the total enterprise than has been customary in the past. They will need to borrow more and rent more. With the large expansion in credit requirements facing individual farm operators in the future, current farm mortgage lending practices will have to change. It seems logical, and the result may well be that an increasing proportion of the farm real estate debt will be of the perpetual type, without amortization. In other words, farms will tend to be financed like many of our large industrial corporations.

Another implication of the expanded capital requirements of the individual farm is the likelihood that farms will increasingly be operated as family corporations. The need for maintaining a highly capitalized farm unit intact upon the decease of its chief operator seems to favor the family corporate-type of organization.

As a matter of fact, I personally know of a number of farms that are today family corporations. These are not necessarily huge farms. In looking down the road, it may not be unrealistic to envision the formation of investment trusts or mutual funds that would deal exclusively in the minority stock holdings of these large corporate family farms.

Lenders will need to become increasingly astute at their trade. Farm management will

become more complex, sizes of individual loans will continue to rise rapidly. Even though lenders must seek continually to economize on operating costs, they must be certain to continue to collect and analyze the information they need to adequately appraise their loan requests, and the progress their borrowers are making. Lenders will increasingly need personnel on their staffs with up-to-date technical knowledge of modern agriculture and its financing.

Much of the success in agriculture in the future will depend upon the adaptability and flexibility of the present farm credit agencies—the farm credit system, the banks and insurance companies—in meeting the needs of agriculture. Will the credit agencies be able to offer all farmers financing in a so-called one-package deal rather than require him to go to different agencies for different type loans? Will credit agencies explore and experiment in earnest in such innovations as semi-permanent financing, low equity financing and leasing of farm equipment and machinery?

Will the credit agencies for farmers develop related services, such as record keeping and even the use of computers for management analysis and decisions as will be necessary in the future?

Although the Federal Land Bank and the Farm Credit system as a whole have faced and surmounted sizable obstacles in the past it seems to me that the future promises a continuous flow of far greater challenges of greater complexity.

And yet these challenges will have to be met and the complexities overcome if credit needs are to be fulfilled. I feel it can be done and I know that you will use your best efforts to see that it is done.

COMPREHENSIVE PLANNING AND COORDINATION ACT OF 1967

Mr. SCOTT. Mr. President, several Governors have been kind enough to respond to my request for their comments on S. 799, the Comprehensive Planning and Coordination Act of 1967, which I introduced on February 2. I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
Tallahasse, February 27, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: With reference to your letter of February 21, 1967, relating to Senate 799, Comprehensive Planning and Coordinating Act of 1967, I am greatly interested in this type of legislation.

Senate 799 would have the effect of encouraging the centralization of the planning functions now being performed by the many and varied State agencies in the State of Florida. However, of even greater importance is the effect that your proposed legislation would have on the efforts that I am making here in the State of Florida to centralize and to coordinate the great number of programs that we have involving Federal monies. Your legislation, to use your own words, would be helpful in this coordination on an "Inter-program, Interagency and Intergovernmental basis".

The biggest criticism that I have would lie in the possibility that after enlarging the function of the Office of Emergency Planning to include "Comprehensive Development", you may have just simply created another enlarged governmental agency that is ineffective in execution. In other words, this idea looks good on paper, but will it work.

Should you desire any information relating to our plans here in the State of Florida, please let me know.

CLAUDE R. KIRK, Jr., *Governor.*

STATE OF WEST VIRGINIA,
Charleston, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I appreciate your sending me the information on your Comprehensive Planning and Coordination Act of 1967 and the opportunity of reviewing and evaluating a most complex and important problem facing our government—the need for improved management and coordination of Federal Aid programs and better cooperation between Federal, State, and local governments in joint program and planning.

The functions of establishing State, regional or local goals, developing comprehensive plans, and determining priorities among grant proposals in terms of these goals and their relationship to comprehensive plans and financial restraints is and should remain State and local, not a Federal, responsibility. I am convinced that if this job is performed well at the State level, it will contribute more to the effective coordination of programs at the Federal level than any other action that could be taken. I am aware of the enormous obstacles which confront State and local governments in performing this responsibility. Many of our communities have no mechanism for collecting current information about the flow of Federal grant funds into their local agencies, much less for coordinating such programs. Also, Federal laws and regulations often complicate the problems, or conflict with State or local statutes, rendering programs inoperable.

The technical problems associated with the State's responsibilities are considerable. We are very much encouraged by the Department of Health, Education, and Welfare announcement of strengthening ties with State and local governments by establishing an Intergovernmental Relations staff under its Director of Field Coordination to maintain direct and continuing contact with Governors and local executives and their national organizations. We would like to encourage other departments to establish a similar concept in order to develop closer ties with the states and their political subdivisions.

As you know, coordination of Federal grant-in-aid programs is a complex and continuing process involving communications among and between Federal agencies and their counterparts in State and local government. I am in complete agreement with the sections of your bill that stress State and local development of expertise, because I believe the role of State and local governments in this process is crucial. Federal laws set the objectives and establish the ground rules, but the Federal Government cannot make a grant until a local agency initiates action either by providing matching funds or applying for Federal project funds.

As we become more deeply involved in planning for Public Investment Expenditures, the need for extensive information about the on-going investment programs of Federal, State, and local agencies operating within our region becomes more apparent. Currently, such comprehensive information about the nature and location of government investment expenditures is unavailable.

A "Public Investment Data System" designed by the Federal government and implemented in cooperation with the States to assemble data on Federal, State, and local Public Investment Expenditures would be of tremendous benefit to both the Federal government and the states.

We can no longer afford to establish matching formulas on a case-by-case basis without regard to any general standards or criteria. We need greater consistency in the organizational and administrative requirements imposed by Federal law and regulations, and should make certain that differences genuinely reflect special program needs, not merely historical preferences and administrative biases. A coordinated planning and programming system would be an invaluable tool for effective public administration.

We agree that the functions of the Office of Emergency Planning in the Executive Office of the President should be expanded, or its function altered, to include a wider range of planning, programming, and coordination functions, and that a complementary coordinating staff be established in each Governor's office. Your bill could do much to establish the Governor's office as the catalyst for coordinating planning activities; encouraging project development by facilitating grant funds; providing for regional cooperation; and establishing a genuine role for the governors and mayors of major metropolitan areas in policy development and direction.

I am enclosing a copy of my testimony before the Senate Sub-committee on Intergovernmental Relations for your information.

Sincerely,

HULETT C. SMITH,
Governor.

STATE OF NEBRASKA,
Lincoln, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: After looking over your Comprehensive Planning and Coordination Act of 1967, it is my studied judgment that this Bill will render a specific contribution to the States. As Governor of Nebraska, I am becoming increasingly aware of the difficult areas in federal and state relationships. Your Bill from all indications will go a long way in helping to clarify these relationships on a more positive basis.

Might I inject that in the area which deals with Annual Development Programs, Section 10(a)(1), the words, "upon request", be removed and that Governors should be notified of all federal grant in aid programs in their respective states as a matter of policy. Other than this item, I am in full accord with S. 799.

Respectfully,

NORBERT T. TIEMANN,
Governor.

STATE OF MAINE,
Augusta, Maine, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I have received your letter with the accompanying explanation of your bill S. 799.

Essentially, I share your views concerning the need to improve comprehensive planning and coordination within the states and between the Federal and the State levels of Government.

As I am in frequent touch with Senator Edmund S. Muskie of Maine, I will watch the progress of this bill with a good deal of interest.

Sincerely,

KENNETH M. CURTIS,
Governor of Maine.

VIRGIN ISLANDS OF THE UNITED STATES,
Charlotte Amalie, St. Thomas,
March 8, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I was extremely happy to receive your letter of February 21, 1967 and a copy of S799 on *Comprehensive Planning* and *Coordination, Act of 1967.*

I wholeheartedly concur with you on the need for closer coordination of Federal-State activities in view of the tremendous

amount of programs on both levels of government.

The Virgin Islands participates in numerous Federal programs in the fields of Health, Education and Welfare and the experiences in various areas have exemplified the usefulness of S799.

President Johnson has called a White House conference for March 18, 1967, for all Governors to discuss Federal-State relations, and I believe that much of the conference will focus on the contents of S799.

I am delighted to know that legislation of this nature is introduced, and best wishes for quick passage in the 90th Congress.

Sincerely yours,

RALPH M. PAIEWONSKY,
Governor.

PHOENIX, ARIZ.,
March 9, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: Thank you for your letter of February 21, in which you forward information concerning the Comprehensive Planning and Coordination Act of 1967. In your letter your request my comments or criticisms.

I would certainly agree with your concern about the trend towards centralizing in Washington decisions concerning a wide range of domestic programs. As you state, planning, programming and coordination belong at the State, regional and local levels as close as possible to where the action is, and as close as possible to where need are. Certainly, the myriad of Federal grant-in-aid programs require a consolidation of gains made and a requirement to speed up administrative processes. It is difficult to eliminate the overlap and confusion.

I feel that any practical program or Federal assistance to the states in these areas is certainly a worthwhile effort. You are to be congratulated for your concern and efforts to alleviate the many existing problems.

Sincerely yours,

JACK WILLIAMS,
Governor.

SALEM, OREG.,
March 25, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR HUGH: The growing urbanization of our society has created many problems which require cooperative action to solve. It appears to be essential that the federal government be included in seeking such solutions. With that in mind I believe that your S. 799, calling for cooperative planning efforts, is a good approach. I hope you will keep me informed of the progress of your efforts.

Sincerely,

TOM MCCALL,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, March 28, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR HUGH: I have had the opportunity to review the Comprehensive Planning and Coordination Act of 1967 which you sent to me recently. As you know, I have long advocated measures which would provide for closer cooperation between State and Federal Governments. This is especially essential in areas where Federal grants and Federal programs tend to minimize or entirely eliminate State participation.

Therefore, I welcome any legislation which seeks to coordinate planning responsibilities for Federal programs at the executive level of State and local governments. In addition, I think it is essential that the Governors of our States be given ample opportunity to participate in the coordination of programs which are federally related. For these reasons and others which you have so adequately set forth I share your enthusiasm for Senate Bill 799 and wholeheartedly offer my support.

Kindest personal regards.

Sincerely,

RAYMOND P. SHAFER,
Governor.

HONOLULU, HAWAII,
March 30, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: Your letter of February 21, 1967, regarding S. 799, The Comprehensive Planning and Coordination Act of 1967, and an invitation for comments or criticism is deeply appreciated.

I have very carefully and thoughtfully examined the legislation and your comments in the Congressional Record. I could not better articulate our own concerns and in such specific details as well as you have already done.

You may know that I did send a personal representative from our State Comprehensive Planning Agency, Department of Planning and Economic Development, to attend the AIP conference in Washington, D.C., who did hear and report on your keynote address as well as on the draft form of the Comprehensive Planning and Coordination Act of 1967. It may be of interest to you that our State's posture on planning was being developed in many ways that are similar to your legislation, which was in fact considered. We are presently revising Hawaii's State General Plan under a Federal grant program. You may also know that Hawaii produced the first State general plan in the nation as well as the only State zoning law.

Our State is also endeavoring to cope with and clarify State problems of coordination and policy-direction. Our efforts, of course, would be less effective without the parallel course of action on the Federal level suggested by the Comprehensive Planning and Coordination Act of 1967. The influence of the Federal grant program is too overwhelming to cope with, otherwise.

We have pledged our support to the City and County of Honolulu, our major urban center, in its efforts to participate under Title I of the Demonstration Cities and Metropolitan Development Act of 1966. We note, however, that the proposed Demonstration City program here, perhaps more than in any other State, encompasses a considerable variety of State responsibilities and programs. Furthermore, I fully agree with the concept of Section 2(a)(4) of S. 799 which declares that the coordinative functions and responsibilities should be located in the office of the chief executive rather than in departments more concerned with "functional aspects of development planning." We are naturally concerned that an overly rigid interpretation of Titles I and II of the Demonstration Cities and Metropolitan Act of 1966 may weaken, rather than strengthen, "the coordinative and policy-direction role of our State Governors" as indicated in your letter. The approach taken by S. 799, as you state and we agree, is a more logical as well as "constructive attempt to strengthen the position of the States in our Federal system and to enhance their ability to deal effectively with the many problems associated with the growing urbanization of our society."

On one other specific point, we are now attempting to clarify and more strongly relate the budgeting process with the planning process. On this basis, we strongly endorse Section 10 of S. 799 which provides the State the opportunity to participate in the national planning, programming, budgeting system (PPBS).

In conclusion, I fully support S. 799 as being in the best interest of the nation as well as of the people of this State. Accordingly, I will also seek support from our Congressional delegation.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

OLYMPIA, WASH.,
April 6, 1967.

Hon. HUGH SCOTT,
Senate Office Building, Washington, D.C.

DEAR HUGH: I was happy to receive a copy of your proposed Comphehensive Planning and Coordination Act of 1967. It is interesting to note that a bill was recently passed in the State of Washington establishing a Planning and Community Affairs Agency in the Office of the Governor which closely parallels the intent of your bill.

For some time, I have been concerned with the lack of coordination between the many federal aid programs and comprehensive planning at the state and regional levels.

Although I have not had time to consider all implications of S. 799, it appears to be a direct augmentation of the concepts of comprehensive planning and programming enacted in our Substitute House Bill 78.

Sincerely,

DANIEL J. EVANS,
Governor.

TOPEKA, KANS.,
April 14, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: This will acknowledge receipt of your recent letter concerning the Comprehensive Planning and Coordinating Act of 1967 which you have introduced in the Senate.

The whole subject of comprehensive planning and coordinating, as it relates to state government, has received considerable discussion by my staff since legislation was proposed in the current session in Kansas, which paralleled your bill and, in fact, was written in preparation for the possible passage of S–799.

We believe that S–799 will do much to correct what has become a serious weakness in government generally in that planning and programming activities by many federal agencies, and through their programs the states, are almost completely uncoordinated. Planning and programming at any level must be centralized in an overview location if it is to accomplish its purpose.

While there may be improvements in details of S–799 which will be thoroughly discussed in committee hearings, it is our opinion that this is a good piece of legislation which, if passed, will greatly improve the efficiency and coordination of governmental planning and programming generally.

I appreciate your referring the bill and accompanying documents to us for our review.

With every good wish.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

ANNAPOLIS, MD.,
April 18, 1967.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR HUGH: In compliance with your recent request, I have had my staff review the proposed Comprehensive Planning and Coordination Act of 1967 which you introduced in the Senate. I myself am always in favor of legislation which would strengthen and coordinate the policy direction role of state governors. And generally I feel that your bill is a very good one.

My staff has had the following observations to make on the text of the bill. I am passing these on for your reference.

The word "comprehensive" in the bill title

is somewhat confusing. Many local and State agencies are already developing "Comprehensive" plans. It is suggested that the title of the act be changed to "General Development Planning and Coordination Act of 1967."

It is somewhat difficult to identify the proposed organizational plan by which the objectives of the bill would be effectively carried out at the Federal level. The question arises as to whether a cabinet-level department would be created to guarantee sufficient powers and stability. Of course, there is also the possibility of creating within the Executive Offices of the President an office which would have these advantages.

There is great concern here in Maryland with the problems and confusion arising from so many avenues of Federal grants, loans, and technical assistance programs—especially as they are currently being administered. The preamble and Section 2 of the bill reflect a strong recognition of the need for improved comprehensive development planning, programming, and coordination, but beyond these statements, it cannot be determined clearly who will be specifically responsible for putting the Federal office in order. Section 5 of the bill—and particularly Section 7—could well be interpreted as an attempt to require the states to carry this burden. It is therefore felt that the bill clearly indicate that the new office will be responsible for (a) continually evaluating and coordinating all Federal aid programs at their level of origin and for (b) maintaining a constant review of administrative procedures and regulations to make them as simple and efficient as possible.

The bill gives proper credit to the flexible approaches that planning must develop for encouraging general development (or comprehensive) planning at the state, regional and local levels. However, it does not appear to provide an adequate mechanism for ensuring complementary planning activities at these several levels. Nor does it appear to make proper allowances for testing and ensuring the consistency of regional and local planning with the objectives of state planning.

Section 6 of the bill does not require development district, or metropolitan plans to be submitted to the State. Unless the State is given responsibility for overseeing and reviewing all planning within its jurisdiction, the possibility of "strong development planning" on the State level becomes remote. In fact, the bill appears to sanction legally a fragmented approach which involves both duplication of activities and variable planning standards. Section 9 presents this same problem in that it does not clearly provide that planning grants made under Paragraph (3) be made only after State review and approval.

There is some question that the bill is impaired by its extreme length. Section 5 and 6, for example, could be combined in a single clear statement applicable to State, district, and metropolitan area planning, programming and coordination.

I hope these comments will be helpful for your purposes. I am extremely interested in this bill, and wish it every success in the Senate and the House.

Sincerely,

SPIRO T. AGNEW,
Governor.

STATE OF CALIFORNIA,
Sacramento, May 12, 1967.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: Thank you for your letter, received earlier this spring, regarding your introduction of the Comprehensive Planning and Coordination Act of 1967.

In the main your bill, S. 799, is of considerable interest to us here in the State of California, principally because it would establish a framework for national-state-local program budgeting systems and would provide incentives for participation, thus permitting a more complete view of state and local needs.

Although there are several areas that my Department of Finance feels could be modified to make the act more beneficial, I appreciate your interest and motivation in introducing this legislation, for certainly a better mechanism is needed in order to improve coordination among federal, state, and local interests.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF NEW YORK,
Albany, May 15, 1967.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR HUGH: As I indicated to you in a letter, I requested Charles Lanigan, the Director of the State Office of Planning Coordination, and his staff to review your proposed legislation, S. 799, "The Comprehensive Planning and Coordination Act of 1967." I am attaching Mr. Lanigan's comments to this letter for your consideration.

My own particular comment is that this proposed legislation, in spite of our concerns with some specific provisions, is certainly a creative approach in that it recognizes that comprehensive planning is directly related to the improvement of intergovernmental relationships.

Sincerely,

NELSON A. ROCKEFELLER,
Governor.

MEMORANDUM, May 15, 1967.

To: The Governor.
From: Charles T. Lanigan.
Subject: Office of Planning Coordination Comments on S. 799—The Comprehensive Planning and Coordination Act of 1967.

1. The general objectives of this bill are consistent with the concepts and approach to State and metropolitan planning followed by your Administration.

2. The bill emphasizes the need to advance and strengthen comprehensive, policy planning processes such as those we have established jointly with the Division of the Budget in the integrated Planning, Programming, Budgeting System (PPBS).

3. The bill expands the functions of the Office of Emergency Planning in the Executive Office of the President to include the planning, programming and coordination functions contemplated by this Act. While we admit to the existence of similar scopes of concern between "emergency" planning and long-term "peacetime" planning, we question the desirability of housing these two functions in the same agency.

4. The proposed bill has some laudable provisions for correlating area-wide or metropolitan planning with State efforts but, in some cases, the State involvement is after the fact. We believe that the States should have the opportunity to review all applications for federal grants-in-aid by area-wide or metropolitan agencies before they are submitted to the federal government.

THE BALTIC STATES: A TRIBUTE

Mr. GRIFFIN. Mr. President, today marks the anniversary of the death of three Baltic States: Lithuania, Latvia, and Estonia.

Twenty-seven years ago the world witnessed the destruction of these states as free and independent countries.

The destruction was carried out swiftly: the Soviet Army simply marched in and took over. Within a matter of weeks, opposition was eliminated in a reign of terror; Soviet-style "elections" were held, and the three Baltic States were forcefully appended to the U.S.S.R.

At that time, the United States raised its voice in protest against this inhuman act. Now, on the occasion of this anniversary, our Nation should again voice its protest.

The Baltic peoples are particularly well qualified for self-government, and the opportunity to exercise that God-given natural right should be restored. To support this goal, the House of Representatives passed House Concurrent Resolution 416, on October 22, 1966, calling for equal rights for the peoples of Lithuania, Latvia, and Estonia.

I urge the President of the United States and our ambassador to the United Nations to bring the matter of the Baltic States before the United Nations, in order that world public opinion can be focused upon it.

On this anniversary of the destruction of the Baltic States, I join with others in the Congress who pay tribute to the gallant Baltic peoples, and who express the hope that the day will soon come when they shall exercise again their right of self-determination.

WHAT WE CANNOT AFFORD

Mr. McGOVERN. Mr. President, Vice President HUMPHREY recently addressed the annual commencement ceremony at Boys Town, Nebr.—an institution that has demonstrated in countless instances that if young people are given adequate opportunity they will meet the challenge of constructive citizenship. In that appropriate setting the Vice President commented on some things this Nation cannot afford.

We cannot afford to give up the effort to provide equal opportunity to our citizens, he told the graduating class of fine young men before him.

I ask unanimous consent, Mr. President, that Vice President HUMPHREY'S eloquent remarks at Boys Town on May 28, 1967, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, BOYS TOWN, NEBR., MAY 28, 1967

I am honored—and I mean honored in the full sense of that word—to be with you at Boys Town today.

Before going further, I want to give recognition to Harold Crawford, the superintendent of schools here. Harold was born a block away from Mrs. Humphrey's home in Huron, South Dakota, where they were graduated from high school. I've known Harold since those days in Huron and we've kept in contact over the years.

I also want to give proper recognition to your director, Monsignor Wegner. When I heard that he was born in Humphrey, Nebraska, I knew that all the good reports I had heard were true.

Boys Town has a special meaning for most Americans. For Boys Town is the symbol of what our country is all about. It tells our story: That America is a land of opportunity where every single child—if he has the talent

and ambition—may have the chance to one day be President of the United States.

I have heard it said many times—and it disturbs me—that this is no longer true. I have heard it said that our society has become so big and so complex that future positions of leadership in our country will by necessity fall to representatives of a small percentage of our population.

I have heard it said, over and over, that we have seen our last log-cabin President . . . or Vice President . . . or Governor of a large state.

I hope that this is not so. It *should* not be so.

For if our America ever changes to the point where national responsibility and leadership are reserved to the few—rather than opened to the many—it will no longer be America. It will no longer be the country which stands in the world, before all others, as the one where opportunity is real.

The graduates of Boys Town are living proof that this is a land of opportunity.

Earlier this month Lt. Commander Lloyd Bucher, class of '47 took command of the U.S.S. Pueblo at commissioning ceremonies at Puget Sound Naval Shipyard.

A 1956 graduate, Captain Lowell Bittrich, was recently awarded the Silver Star for gallantry in Vietnam.

This country is filled with Boys Town men who are leaders in their businesses, their professions, and their communities.

And, although no one from Boys Town has yet become President, I hope that this, too, may someday be so.

At least we must continue to build the kind of society where it *can* be so.

I remember being inspired, as a boy, by the Horatio Alger stories. In those stories, the young boy always rose to success from the humblest beginnings. Those young boys worked hard . . . they worked earnestly . . . and they succeeded.

But, if you read the stories closely, you also found that—on the way to success—they met a friendly millionaire, or just happened across a gold nugget in the street.

I learned very early in life that not many gold nuggets were to be found in the streets. In fact, I spent a good deal of my younger years watching hardworking, honest people lose their homes . . . their hopes . . . and their lives to the blowing, cruel winds of dust storm and depression.

I saw it in rural South Dakota.

Carl Sandburg saw it in the streets of our great cities:

"The man in the street," he wrote, "may live now just around the corner from you trying to sell the only thing he has to sell, the power of his hand and brain to labor for wages, for pay, for cash of the realm. And there are no takers, he can't connect."

"Maybe he says, 'Some pretty good men are on the street.'

"Maybe he says, 'I'm just a palooka . . . all washed up.'

"Maybe he's a wild kid ready for his first stickup.

"Maybe he's bummed a thousand miles and has a diploma . . .

"Here and there a man in the street is young, hard as nails, cold with questions he asks from his burning insides.

"Bred in a motorized world of trial and error, he measures by millionths of an inch, knows ball bearings from spiral gearings, chain transmission, heat treatment of steel, speeds and feeds of automatic screw machines, having handled electric tools with pistol grip and trigger switch."

"Yet he can't connect and he can name thousands like himself idle. . . . He studies the matter of what is justice . . . He asks: 'Who owns the earth and why?'"

And it was in those years that the men who led our country determined that this should not happen again.

We made it our business in those years to start to build an America where people might have some measure of economic and social security—where they would not become helpless victims of larger forces beyond their control.

And, in those years, we began to see that it was not enough to say to young men: "There is opportunity; seize it." For those words were empty if they were spoken to the boy without education . . . to the boy without health . . . to the boy who lived in a town or city or rural area without jobs or hope.

We saw that opportunity meant something *only* if everyone had an equal chance to share in it. And we saw that the equal chance would never be created unless all of us became as concerned for those at the bottom of the ladder as we were for ourselves.

Franklin Roosevelt put it into words in his Inaugural Address 30 years ago. Looking out on a nation as he described it, one-third "ill-housed, ill-clad, ill-nourished," he said:

"The test of our progress is not whether we add to the abundance of those who have much; it is whether we provide enough for those who have too little."

How far have we come?

We have come a long way. We need only look around us. Our senses tell us what the world knows—that this is the richest and the strongest society yet created by man. And this in 30 years.

Yet we still are a long way from creating the equal chance every boy and girl in this country deserves.

I have walked through the streets of our big cities, and I have met and talked with hundreds of the hard young men Carl Sandburg wrote about. They still exist. They still can't connect. They are still asking what is justice, and who owns the earth and why.

Why is this so?

Maybe their skin is black.

Maybe they got into trouble early.

Maybe they have been raised, literally, on that street.

Maybe they had to leave school to fight out a living with their hands.

Maybe they've been to Vietnam, and they are back, and nothing's changed.

They are there. And we cannot ignore them. For they are just as much a part of America as is the country club dance on Saturday night.

These are our people. And they need that equal chance.

I am privileged to chair the President's Council on Youth Opportunity. We are trying to find that equal chance for them.

We have in this country a war against poverty. It ought to be called the war *for* opportunity. We have manpower training programs. We have massive new programs for the better health and education of our people.

We have Job Corps camps . . . and VISTA volunteers . . . and new techniques to provide low-cost housing. We have new laws to help break down discrimination and to help break up the hate and doubt that still lives in too many minds.

We have these things. Yet we know they are still not enough . . . we know they are only one more step in that fight we began for the equal chance a long, long time ago.

And now, let me get to the heart of it:

Some people say: Stop. Some people say: Wait a minute. Some people say: Not now, later. Some people say: What more do they want? Some people say: We can't afford it.

I say they are wrong. I say the only thing we *cannot* afford is to halt now on that long hard course. We cannot afford the waste in human talent.

We cannot afford the cost of turmoil and disorder. Most of all, we cannot afford to turn away from the kind of America we believe in.

I say we have to stick with it. We have to keep moving. We have to keep working.

If we do, some day everyone shall has his equal chance. And one day in the future it can be true not only that a poor boy may be President of the United States, but that *any* boy—no matter what his name, his religion, or his color—may become President, if he has the inspiration and the talent.

That day, my young friends, will be the day that America has met its promise.

VIETNAM AND THE NATION'S ECONOMY

Mr. SYMINGTON. Mr. President, despite a great deal of uncertainty about the actual cost of the war in Vietnam, there is little doubt that it is having a major impact on the economy. And the impact on employment and business is not distributed evenly throughout the country. Certain regions and industries have been affected by the buildup in military expenditures more than others.

If we are to avoid a recession and serious dislocation in various areas of the country following a cessation of hostilities in Vietnam, we must begin our planning now.

Senator PROXMIRE, the chairman of the Joint Economic Committee, has shown great foresight in bringing the importance of contingency planning to the public attention. As he has stated, "It would be a crime if the ending of the Vietnam war caused a recession."

The recent hearings held by the committee on the economic effect of Vietnam spending produced a wealth of factual and analytical material on this subject, and raised many important public policy questions. It is not too soon for the Congress to give thoughtful consideration to these issues.

An excellent article on the hearings and the problems of postwar adjustment appeared in the June issue of Dun's Review. The article, written by Gerald Rosen, is entitled "After Vietnam—What?" I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AFTER VIETNAM—WHAT?

(By Gerald R. Rosen)

Room 1202 of the New Senate Office Building was so packed with spectators that two extra press tables had to be brought in to handle the crush. While TV lights bathed the room in their harsh glare, Assistant Defense Secretary Robert Anthony strode in with a uniformed naval aide, a civilian expert, two bulging briefcases and a small filing cabinet.

Often considered the whizziest of Defense Secretary Robert McNamara's famed Whiz Kids, the ex-Harvard Business School professor was the lead-off witness in the Joint Economic Committee's intensive investigation of one of the nation's most disturbing economic questions: Are we *prepared* for peace?

"It would be a crime," says Senator William Proxmire, the balding, hard-driving Wisconsin Democrat who chaired the hearings, "if the ending of the Vietnam war caused a recession." History has proven that such a danger may be very real. Within six months after the signing of the Korean Armistice in July 1953, 2 million jobs had disappeared from the labor market. Proxmire's fear: "If Vietnam hostilities should stop tonight, the Administration has no contingency plan to put into effect."

Nor is that all. As things stand now, it is

virtually impossible to know just how much money is being pumped into the economy by expenditures for Vietnam. This point was raised at the hearings by Missouri's Senator Stuart Symington, a former Secretary of the Air Force, to an apparently unruffled Robert Anthony. "You tell us the war is costing $19.1 billion," sharply commented Symington, "Secretary McNamara estimates it is costing $24 billion, and the staff of the Senate Appropriations Committee came up with a figure of $30 billion." Anthony lamely answered that the discrepancies in figuring the costs stemmed from the fact that the government accounting system has no category specifically labeled "Vietnam."

When hard-pressed recently by Republican Senator Karl Mundt of South Dakota, even McNamara could not answer. "I can tell you how much we are spending in total for defense, of course," the Defense Secretary replied, "but splitting that into Vietnam and non-Vietnam is honestly almost impossible."

As Proxmire and his colleagues grilled witness after witness—Budget Director Charles Schultze, Senator John Stennis, business and labor economist—one comforting fact did emerge: The nation now has the tools to avert a sharp recession *if* it is given the facts and the Administration and Congress act fast enough to do what has to be done." There is wide room for argument as to the form of the additional spending to replace Vietnam," says Budget Director Schultze, "but there is no doubt that appropriate policies can assure an adequate level of demand."

Despite this seemingly happy situation, three things still bother Proxmire:

1) Will we have the facts?

2) Will we act fast enough?

3) Even if the answer to both questions is "yes," what happens in the transition to regions and industries heavily dependent on Vietnam expenditures?

It is not only the obvious problems of Southern California with its huge aircraft plants (Lockheed, Douglas, North American); Massachusetts with its sophisticated Route 128 electronics complex (Raytheon, Itek, Transition); Seattle, Washington's heavy dependence on one company (Boeing); or even such an extreme example as New London, Connecticut where 75% of the civilian jobs are dependent on defense contracts. It is also the less obvious—and far more pervasive—problem of Vietnam-oriented sectors that are not generally considered part of the "military-industrial complex."

This includes the railroads shipping war goods to the West Coast (Santa Fe, Southern Pacific), the international airlines moving men and supplies (Pan American, TWA) and the small, nonscheduled lines (World Airways) that have grown fat on the transportation shortage. Then there are the uniform manufacturers, food processors, canneries and makers of everything from flashlights and canteens to tent pegs and boots, and the industries that benefit from the spending power of workers employed in defense-oriented industries.

Why then have some businessmen shrugged off the post-Vietnam economy? As many economic observers see it, business may have become so used to living in a managed economy that it does not realize the Administration has no national policy for peace.

Thus at its recent annual meeting, General Electric Co. seemed not the least bit concerned about the fact that it is the nation's second largest defense contractor, including an estimated $100 million–$150 million a year in direct Vietnam orders. Yet GE has not been particularly prescient in recent years. The company was slow in getting in on the big movement into foreign markets, and it was a quarter ahead of the profits turndown that hit U.S. industry early this year.

Perhaps an observer should not be too hard on GE, however. On the following pages, five of the nation's top economists gauge the post-Vietnam economy and what might be done about it. As Senator Proxmire might have expected, their answers are disturbingly different:

Paul A. Samuelson has taught economics at the Massachusetts Institute of Technology since 1940. In 1947 he was cited by the American Economics Association as the living economist under 40 who had made the most distinguished contribution to the main body of economic thought. Since then he has written *Economics: An Introductory Analysis*, the best-selling economics textbook of all time (which reportedly has made its author a millionaire). Samuelson, who was a key behind-the-scenes adviser to President John F. Kennedy, places himself "in the right wing of the Democratic New Deal economists." He says:

"Now that I have the benefit of hindsight, I believe that we should have had a tax cut when the Korean conflict ended. If peace were to break out in Vietnam, I think this would be the ideal medicine to get the economy over the hump. Not only would a tax cut stimulate the domestic economy, it would help take the pressure off the balance of payments that, in the absence of a tax cut, would come from an over-reliance on monetary policy.

"Of course, what economists advocate is not always politically possible. There will always be pressures for additional spending programs. While such programs might be very desirable from a social point of view, from the strictly economic vantage point they would not arrest a downturn as rapidly as a tax cut. The 1964 tax cut is a case in point.

"One bright aspect of the political problem, however, is that we are now sophisticated enough not to fret about the budget deficit that might result from a tax cut. Our main concern should be the economy, not the budget.

"As for planning for peace, I really don't see that much can be done. The President has appointed a committee headed by Gardner Ackley [Chairman of the Council of Economic Advisers] to examine the problem. While I am curious to see what they come up with. I still think that a tax cut is the best answer.

"In the same context, there isn't that much that individual businessmen can do to plan for such a contingency. Of course, if I were running Lockheed, Boeing or Raytheon, I would certainly keep it in the back of my head."

Robert Lekachman, a fast-rising star among American economists, is department chairman at the State University of New York in Stony Brook. His recent book, *The Age of Keynes*, was widely acclaimed for its clarity in explaining the great economist's ideas and how they took root in the United States. Lekachman's next book will examine the impact of the emerging market for social welfare—hospitals, schools, and so forth—on our private-enterprise economy. His comments:

"There will be a major economic problem when the war ends. We certainly have the knowledge to avoid a recession if the electorate is prepared to do what has to be done. The answer is a combination of tax reduction and the immediate implementation of deferred Great Society programs. This may involve a $25-billion to $30-billion budgetary deficit, but it may be necessary to stave off a sharp downturn.

"In addition to these worthy Great Society programs—urban renewal, antipoverty, the fight against pollution, to name a few—this would be an ideal time to try some new approaches to the problems that confront this nation. The idea of sharing federal revenues with the states and the negative income tax are good examples.

"Since so many regions are heavily dependent on defense expenditures, a cessation of hostilities would have an uneven impact across the country. This problem might be solved through the revenue-sharing program by giving additional money to the areas most affected. We might also use some of the engineering and technical skills that have gone into the military effort for the inevitable rebuilding of the areas that we have recently destroyed.

"If we have the good sense to do all of this, it should bring in an era of great opportunity and challenge for American business. Many alert and farsighted companies have already begun to develop facilities and skills to be employed in future government programs of health, education and welfare."

Raymond J. Saulnier became a member of President Eisenhower's Council of Economic Advisers in 1955 and was Chairman from 1957–61. He has been on the faculty of Columbia University since 1934, and is the author of *The Strategy of Economic Policy*. Saulnier has been dubious about the New Economics from its inception. He says:

"Since the Vietnam war was never actually declared to be on, I am not so sure that it will ever be declared to be off. But even if it is, I am afraid that the United States will be confronted with other Vietnams for many years to come. One could come in Thailand, Malaysia, Burma or just about any place on the periphery of the Chinese empire. In short, our problem is not what to do when we no longer have the need for a large defense effort, but how to handle intelligently an almost permanent defense effort without disrupting the economy.

"There is little doubt that our domestic economy can easily support whatever military effort is necessary. But we must always bear in mind that these overseas commitments are a serious drain on our balance of payments.

"Then, of course, there is the ever-present problem of inflation. The party in power must make a concerted effort to allocate our resources in a manner that will contain the price spiral. Just a few years back it was alleged that the New Economics would solve all our problems, including inflation. But it has hardly worked out that way.

"What can business do to plan for eventualities such as changing defense needs? American business' answer to this problem in recent years has been diversification. The businessman's desire not to put all his eggs in one basket—not only defense—has given birth to the recent wave of conglomerate mergers. Business has come to realize that size alone is not sufficient protection against changing markets."

Leon H. Keyserling, a South Carolinian who came to Washington during the early New Deal, spent twenty years in the Executive and Legislative branches as a lawyer and economist. Appointed a member of the first Council of Economic Advisers by President Truman in 1946, Keyserling was its Chairman from 1950–53. He is now an economic consultant in Washington. A long-time advocate of an expanded public sector and increased federal assistance to those living below the poverty line, he has criticized the New Economics for its emphasis on tax reductions. Says Keyserling:

"Since the Vietnam effort only involves something like 3% of our Gross National Product, the end of hostilities would not in itself create a major economic problem. But on top of our already stagnant economy, it could prove serious indeed.

"I hope that we won't try to remedy the situation through ill-considered tax cuts. We have gone too far on tax cuts already, and they haven't worked. The 1964 tax cut stimulated the economy in the short run, but in the longer run they created the present stagnation.

"We gave such incentives to investment that new-capacity increases outran the GNP rise by about two and one-half times. This

has led to the current situation in which we do not have enough customers for the goods we can produce.

"If we simply threw money into the streets, it could have temporarily stimulated the economy; but like a tax cut, it would not have come to grips with our primary problems. We have ignored our polluted air and our deteriorating cities, not to mention the millions of Americans who live below the poverty line. Giving a tax cut to a man whose income is so low that he doesn't pay any taxes is hardly progress from his point of view.

"I have little patience with the notion that tax cuts are a much faster way of pulling the economy out of a slump than public expenditures. As we have seen, when the immediate impact of a tax cut is to create inflationary pressures, we are then told we must postpone the programs the nation needs most because they will create still more inflation.

"There is also the question of values. Why is an X-plus-2 increase in the GNP, which enables us to buy more gadgets through tax-cutting, better than an X-plus-1 increase that would renew our cities? What is so *wonderful* about having a slightly higher GNP that allows us to buy a few more things that we don't need at the expense of our cities, our educational system and the poor."

Milton Friedman is widely recognized among his fellow economists as the leading academic spokesman for an unfettered free-enterprise system. Among his proposals: private ownership of the post office and, to the dismay of many conservatives, the negative income tax. The N.I.T., which would substitute direct government payments to low-income people for the present welfare system, would save a fortune in bureaucratic costs, according to Friedman. A University of Chicago professor since 1946, Friedman was Barry Goldwater's top economic seer in the Arizonan's 1964 race for the White House. He says:

"Undoubtedly, the post-Vietnam adjustment will be a problem, but it will be a relatively minor one. After all, our entire defense effort, regardless of how you measure the precise portion of it going to Vietnam, is only a little more than 8% of the GNP. The Korean defense effort accounted for about 13% of a far smaller economy.

"Let me add, however, that I have seen no conclusive evidence that the 1953–54 recession was directly attributable to the end of the Korean conflict. If it was, how do you explain the 1957–58 and 1960–61 recessions?

"But to be on the safe side, there are some measures that the Administration should be taking with a view toward a Vietnam settlement. For the most part, it should be holding down civilian expenditures to make way for our current defense needs. While the Administration claims that it is making every effort to do so, a look at the budget indicates that this is not the case. Let me add that if we do have a post-Vietnam adjustment problem, the best answer is an immediate tax cut.

"What should businessmen do to plan for such a situation? The intelligent businessman has a plan for every possible contingency that might affect the future of his enterprise."

THE RESIGNATION OF CYRUS VANCE

Mr. KENNEDY of New York. Mr. President, the Nation receives with deep regret the news that Cyrus Vance has resigned as Deputy Secretary of Defense. Cy Vance has typified excellence in Government service—a concentration on achievement for the exclusive benefit of his country. In the most difficult of situations, most noticeably in his emergency service in the Dominican Republic, he personified "grace under pressure"—a classic definition of courage.

He leaves after a job well done, with the thanks of all of us, and the confidence of a nation. I ask unanimous consent that an editorial from the New York Times be placed in the RECORD as further testament to our high esteem for Cyrus Vance.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEFENSE'S DEPUTY SECRETARY

"Cy" Vance—as he is universally known in Washington—is a man to whom public service is part of life. His resignation, after three and a half years as Deputy Secretary of Defense, robs the Pentagon of a warm and honest human being who served without fanfare or undue aspiration for personal advantage.

Power has exhilarated, but it has never corrupted, him; he has remained always conscious of his obligations. His last months in office were marred by a back injury that caused him constant pain—a pain he bore with stoicism and good humor. He will be missed; but when he has rested and recovered we trust he will return to Government service.

Mr. Vance's successor, Paul H. Nitze, a man of quick mind and intellectual vitality, has many years of experience in Washington to commend him—most recently as Secretary of the Navy in the midst of the undeclared war in Vietnam. He, like John T. McNaughton, who succeeds Mr. Nitze, as Navy Secretary, knows his way around the Pentagon.

GOVERNMENT AGENCIES AGREE ON NECESSITY OF NUCLEAR MERCHANT FLEET

Mr. MAGNUSON. Mr. President, there has been considerable talk for a considerable time about the deplorable state of the U.S. merchant fleet. And, Mr. President, I assure you that in my opinion this extensive concern about the unhealthy merchant marine is absolutely warranted and justified.

But we must do more than lament about this unhealthy situation—we must correct and improve our maritime posture.

As many of my colleagues are aware, I have for a number of years been interested in, and advocated, an expanding development program in the field of nuclear-propelled merchant vessels. I strongly believe that nuclear vessels will be the ships of the future, that such vessels would be more productive than comparable fossil-fueled vessels and that nuclear propulsion provides a new era in the art of shipbuilding—an era that offers the United States an opportunity to surpass the rest of the world in this new technology. This could be vitally important, not only to our maritime capability but as well to create vastly improved ships for the maritime nations that could be built by Americans.

Because of my strong feelings about the importance of applying nuclear propulsion to the maritime field, I by identical letters dated February 10, 1966, requested the Department of Defense, the Atomic Energy Commission, and the Maritime Administration to prepare a joint study and report for the Senate Committee on Commerce reviewing all aspects and issues involved in the application of nuclear propulsion to merchant vessels.

Mr. President, I report to the Senate at this time that this most important document—a study report concurred in by the Department of Defense, Atomic Energy Commission, and Maritime Administration—has been completed. Only very recently I obtained the report and its impact upon the course of maritime development in this Nation cannot be overestimated. Mr. President, this joint study of the three departments of our Government which have the greatest expertise and knowledge in this area, agree, conclude, and recommend that this Nation should immediately implement a nuclear ship program calling for the construction of at least two to four large high-speed, nuclear-powered ships in operation by 1972. That means we should be building them this very day if we are to be in accord with this very strong recommendation of these three departments.

Mr. President, the specific recommendations of the Atomic Energy Commission, Department of Defense and Maritime Administration embodied in this report to the Senate Committee on Commerce are as follows:

1. The Federal Government should take an active role in a development program leading to economically competitive nuclear-powered merchant ships.

2. The Department of Commerce and the Atomic Energy Commission assisted by the Department of Defense and the President's Scientific Adviser, should cooperate in the establishment of a construction and research and development program to implement the following policy:

(a) The Department of Commerce and industry, with Atomic Energy Commission support, should proceed immediately with the construction of two to four large, high-speed (27-30 knots) fast turnaround nuclear-powered ships utilizing commercially available nuclear power plant technology in an integrated transportation system to be privately owned and in operation by 1972.

(b) The Department of Commerce and the Atomic Energy Commission should proceed in an orderly fashion with a research and development program including a Government-owned land-based test facility for an advanced reactor for nuclear powered merchant ships.

3. For the recommended nuclear fleet, legislation should be provided to permit the Federal Government to pay the excess design, development, construction and operating costs due to this initial application of nuclear reactor propulsion plants.

The study further concludes that the immediate construction of two to four nuclear ships "should be undertaken promptly for three basic reasons":

(a) To provide operating ship experience which will provide an incentive for clearing the legal, institutional, and labor problems which stand in the way of large-scale routine use of economically competitive nuclear-powered ships in worldwide international trade,

(b) To provide further concrete experience in nuclear-powered ship construction and operation; now limited to the N.S. *Savannah*, and

(c) To create industry interest in the development of more economical nuclear reactors.

Mr. President, it is of great importance that this study has developed a projection into the future which portends nuclear-powered civilian maritime ships economically equal to, or superior to, oil-fired ships. In short what we are talking about are nuclear-powered merchant vessels of far greater productivity and ability than our present ships, but which will be as economical to operate as our present ships.

It is difficult for me to summarize adequately the essence of this exhaustive study which offers such a challenge and exciting recommendation. However, the extremely well-documented basic data supporting these conclusions can be gained by careful study and reading of the entire report. But I assure you that this study is one that is as carefully and conservatively undertaken as any I have read. And yet, the facts unmistakably point to the immediate necessity for building nuclear merchant vessels.

There is no question in my mind that the Department of Defense, the Atomic Energy Commission and the Maritime Administration have fully undertaken the task I requested of them last year and have performed admirably in preparing this exhaustive study. I would like to emphasize again that the report is a joint recommendation of these three instrumentalities of the Federal Government. Each of these three agencies agrees upon and supports the recommendations and conclusions of the study.

Mr. President, there has been much criticism of the Department of Defense in conjunction with the maritime problems we face. I would like to point out that the Department of Defense specifically states in this report that, and I quote:

> The Department of Defense encourages development of an economical nuclear-powered plant for merchant ships because higher speed and longer endurance will improve the the military value of cargo ships, and it further encourages the full utilization of high speed cargo gear to reduce handling time and over-all sea lift costs.

The Department of Defense supports the recommendations made in the report.

Mr. President, I have already explained that this joint study and report was undertaken in response to a letter of request, last February 10, 1966, from me as chairman of the Senate Commerce Committee to the three agencies. I have also told the Senate today that the study has been completed and that I recently obtained that study. I feel that it is important that I comment in greater detail as to this aspect.

When I requested the three agencies to undertake this study I further requested that the completed report be transmitted to the Committee on Commerce no later than June 14, 1966, as the report was to serve as background for committee hearings to be held in the month of June of that year. It has come to my attention that on March 18, 1966, the Director of the Bureau of the Budget wrote the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Atomic Energy Commission stating:

> In view of the budget and legislative implications of such a report, I would appreciate an opportunity to review the report before it is transmitted to the Committee.

Mr. President, although the report was completed prior to June 14, 1966—the date I had requested its submission to the Committee on Commerce—it was not received by me at that time. However, I learned that by letter dated July 7, 1966, the then Acting Secretary of Commerce advised the Deputy Secretary of Defense that the report had been completed and submitted to the Director of the Bureau of the Budget "for his information and comment" but that the Bureau of the Budget "does not agree with the recommendations in the proposed report." That quote is from the letter of July 7, 1966, of the Acting Secretary of Commerce to the Deputy Secretary of Defense.

On July 8, 1966, the following day, the Acting Secretary of Commerce transmitted the report compiled at the request of the Senate Committee on Commerce to the President of the United States with an accompanying letter strongly urging that the recommended program be approved. At this time there still has been no communication with the Committee on Commerce as to the whereabouts of its requested report. That remained the case throughout the year of 1966.

On February 21, 1967, I wrote the three departments again requesting the status of the report I had requested a year previously for submission no later than June 14, 1966, and I asked when I might expect to receive the report. Shortly thereafter I received from each of the three a short acknowledgment letter promising a substantive or informative reply as soon as possible. To date I have received no such reply.

On March 13, 1967, apparently in response to my letters of inquiry, the assistant to the Secretary of Defense in the field of atomic energy, wrote a memorandum to the Secretary of Defense stating therein that the Bureau of the Budget has requested that the three departments involved—Defense, Atomic Energy, and Commerce—in responding to my inquiries about the location, status, and possible date of receipt of the report I had requested "take no action, not even interim replies, until receipt of guidance from them." That is the instruction from the Bureau of the Budget as stated by the assistant to the Secretary of Defense in a memorandum dated March 13, 1967, to the Secretary of Defense.

Mr. President, apparently the Bureau of the Budget has been very successful in compelling adherence to its advice to take no action until receipt of guidance from them. For to this date, I have not received a reply or an explanation of the status of this report.

I suppose it is logical and relevant to inquire then as to how I happen to have this report, how I happen to have read this report and am able to report to the Senate today on the vital importance of the conclusions and recommendations contained therein. I would explain it this way.

I have not obtained this most important study by official transmittal from the agencies involved. The report has come to me in a most unorthodox manner. I am concerned that the report states that it is essential we have a nuclear merchant fleet in the water and operating by 1972, yet this report has not even been released until the time has passed when it is possible to comply with that recommendation. I cannot understand any justification for such action.

While I can appreciate the interest of the Bureau of the Budget in requesting in their letter of March 18, 1966, to the three agencies for "an opportunity to review the report before it is transmitted to the committee," I can see absolutely no justification whatever, following that review, for the report to be bottled up for a year. Not when our merchant marine is in such a deplorable condition, not when the economy of this entire Nation may be expanded by this great new challenge of nuclear energy, and surely not when the three agencies of our Government which know the most about the issues involved all agree on a program of this complexity and magnitude.

I believe so strongly in the importance of this report, Mr. President, and the importance of it being read and appreciated and understood by the people of this Nation, that I shall recommend that it be published as a committee print by the Senate Committee on Commerce so that it may receive as wide as distribution as possible.

The important matter today, however, is not the way in which I have obtained this report, but the substance of that report. Its message is clear and unmistakable. We are behind the times—the opportunity is well upon us—we must start building nuclear merchant vessels immediately. The Senate Committee on Commerce will attempt to assist legislatively in this matter as soon as we can hold hearings. I would point out that already this session the distinguished ranking minority member of the committee, Senator COTTON, Senator WILLIAMS of New Jersey, and myself have cosponsored a bill which would provide for the construction of up to six nuclear-powered merchant vessels. The bill is of the type suggested in the report in that it would allow the Government to pay the additional capital costs involved in acquiring nuclear-powered merchant vessels that would be privately owned and operated.

Other nations, even though they are operating with budgets tighter than ours, are not hesitant to enter the nuclear merchant vessel field. The Soviet Union, Japan, Germany, Italy, Communist China, and others are engaged in the building of nuclear merchant vessels this very day. This points up a most important factor: one vital resource of the United States is that it has more money available at a lower cost than any nation in the world. This is a distinct advantage to us in developing any type of program which involves a higher capital expenditure in order to achieve a lower operating cost. In short, we are more capable of undertaking a program of this type than any other nation. We should take advantage of this resource—we would implement our greater financial ability—and start building what surely will be the ships of the future.

There is another obvious and impor-

tant impact upon the maritime industry from the development of nuclear technology in addition to propulsion. That is the creation of a new type of ocean traffic based upon the transportation of nuclear cargoes. The big supplier of nuclear fuel has, of course, been the United States. We have leased considerable material for use in foreign reactors, and once the fuel is irradiated, it is returned to the United States for reprocessing. It is true that nuclear materials move in rather small quantities—even taking into consideration the protective casks in which they travel—but it is to be anticipated that not only the frequency of such cargo will increase, but that there will be as well important changes in its nature. For example, some American-supplied nuclear cores for reactors in European powerplants will be coming back to the United States in the near future and this will surely be a larger and more attractive cargo source.

The United States now has its first commercially operated plant for reprocessing nuclear fuel at West Valley, N.Y. If this plant, or others like it, becomes able to compete on a straight commercial basis for business around the world, then there will be important consequences for our merchant marine. Of course, the ability of our merchant marine to transport such cargoes in an efficient and economical manner and with personnel that are trained and capable of handling nuclear materials will in turn affect the ability of the private sector of our economy to compete with other nations of the world for such business.

Mr. President, the joint study of the Atomic Energy, Department of Defense, and Maritime Administration conclusively proves that the nuclear age is well upon us as far as its application to the maritime field. To delay or to avoid this challenge would be to invite defeat in any effort to maintain a viable, strong, and effective maritime posture. The time to meet this challenge has already come upon us—the time for action has as well.

TRIBUTE TO DR. WALTER BRATTAIN

Mr. JACKSON. Mr. President, one of the most distinguished citizens of the State of Washington is Dr. Walter Brattain, a professor at Whitman College in Walla Walla.

Dr. Brattain is a research physicist. A longtime member of the Bell Laboratories staff, Dr. Brattain's career was highlighted on December 10, 1956, when he received the Nobel Prize. This native of my State, along with William Shockley and John Bardeen, also of the Bell Laboratories, devised the transistor which has revolutionized the radio industry.

A recent edition of the Reporter, the Bell Telephone Laboratories publication, includes a cover story on Dr. Brattain entitled "Return of a Native." Retiring from Bell Laboratories February 3, this famous scientist elected to return to his hometown of Walla Walla, Wash., and join the faculty of his school, Whitman College.

As a member of the board of overseers of Whitman, I must say that all of us of Washington were extremely pleased by Dr. Brattain's decision. We are proud to have him back. And the youngsters who attend this highly regarded liberal arts institution can only benefit greatly by his presence. Just as Dr. Benjamin H. Brown, a Whitman professor in 1923, directed Dr. Brattain to a career of eminence, Dr. Brattain is now devoting his efforts toward producing new scientists of national and world stature.

Mr. President, the story of Dr. Brattain, his beginning, his success, and his return to his home State, is well told in the article in the Reporter. It is the story of an outstanding man whose career has been full and continues to be meaningful.

I submit for the RECORD the article, "Return of a Native."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RETURN OF A NATIVE

Walter Brattain was a reedy, gangling farm boy who took girls and tennis almost as seriously as physics when he marched into the office of Whitman College Professor Benjamin H. Brown one day in late 1923. With all the seriousness a senior could muster, Brattain asked earnestly, "Do I have what it takes to make a really good physicist?"

Brown, who would one day be memorialized by a chair of physics at Whitman, looked at the raw-boned farm boy and replied softly, "Yes, Walter, I think you do."

The two then sat down and began talking about Brattain's hopes. Forty-four years later, Brown would be lionized by a brace of grateful scientists who were once his students, and Brattain, a Nobel Prize winning physicist, would be back at his *alma mater* trying to fill his mentor's shoes after his retirement February 3.

Whitman College (enrollment: 1,000) is one of those small, surprisingly good liberal arts colleges that you find in places like Walla Walla, Wash. The town and its college lie on a high wheat-growing plateau in lonely eastern Washington. Brattain's ancestors helped settle this area a century ago and his father, successively a broker, homesteader, rancher and miller, helped plant his roots deeply in the Pacific Northwest. In going to Whitman, Brattain followed in his parent's footsteps.

But it was Professor Brown and Whitman College that gave Brattain what he calls the "inspiration and motivation to do what little I have done." And so it was a desire to repay in some way a self-confessed obligation that led Brattain back to Walla Walla and Whitman as a part-time professor three years ago. There his contemporaries did not describe him as big man on campus in his student days. One classmate remembers him only as a shy youth dashing in and out of the science building. Editors of Whitman's yearbook wrote that he wasn't happy "unless he has a transit in one hand and 14 drawing pencils in the other."

From Whitman, Brattain went on to the University of Oregon for his master's degree, and the University of Minnesota for his doctorate. His welcome at Minnesota couldn't have been less spectacular. To reach campus, he had to work his way across country by sheep train. In Minneapolis as the train rolled slowly past the University, "I just jumped off and walked over to the physics department smelling to high heaven of sheep."

Ever since Brown whetted his intellectual curiosity, Brattain had dreamed of working either for the U.S. Bureau of Standards or the Bell System. Armed with a new doctorate in 1929, Brattain sent out only two job applications. The Bureau of Standards offered him a job; Bell Labs apparently never replied. But less than a year later, a chance meeting with Bell Labs' J. A. Becker did result in a job as a research physicist at West Street. Becker, like Brown and a few other professors, had a galvanizing effect on Brattain: "I was a young Ph.D., not even dry behind the ears, when I went to Bell Labs. Becker dried my ears off."

Another supervisor in his early career here was C. J. Davisson who, on the occasion of his winning a Nobel Prize in 1937, told Brattain, "don't worry, Walter, you'll win one some day." Brattain did not at the time take the prophecy seriously.

The rest is history.

"I tried to say, 'Thank you, Your Majesty,' but maybe only my lips moved," recalls Walter Brattain of the moment when Swedish King Gustav VI awarded him the Nobel Prize. Preceding him to the floor were William Shockley and John Bardeen, the Bell Labs men who shared his Nobel Prize for Physics.

Stockholm's Concert Hall was a splendid sight at the ceremonies held December 10, 1956. Tier after tier of bejewelled Swedes in formal dress filled the hall to watch their king award the famed prize to a distinguished roster of world figures. From that night on, each laureate would live in the limelight of lasting fame; Brattain would bask uneasily in the glare of publicity.

The journey to Stockholm began almost nine years before in Brattain's laboratory in Murray Hill. Two days before Christmas, 1947, Brattain with Shockley, Bardeen and five colleagues gathered to watch a tiny piece of treated germanium (with two gold contacts attached) serve as the amplifier in place of an electron tube in a communications circuit. Brattain wrote in his notebook, ". . . a distinct gain in speech level could be heard . . . with no noticeable change in quality." That was the genesis of a new electronics industry.

A name for the milestone breakthrough came several months later in an impromptu caucus with John R. Pierce. Pierce, now Executive Director, Research, Communications Sciences, coined the historic word. Brattain remembers, "I presented the problem to Pierce. After some thought, Pierce mentioned the important parameter of a vacuum tube—transconductance—then a moment later its electrical dual—transresistance. Then he said, 'transistor' and I said, 'Pierce, that is it.'"

Today, Brattain admits the thing that pleases him most is that small transistor radios are inexpensive enough to bring the world to people who cannot even read.

"What Walter Brattain does is really quite astounding," suggests Whitman College's veteran Vice President Fredric F. Santler. "He is more dedicated to teaching than many so-called 'professionals'."

Brattain has spurned many tempting offers since his Nobel Prize. Instead, he chose to continue his distinguished work at Murray Hill until retirement. Retirement confronted him with uncharacteristic idleness, so Brattain took a characteristic step—to look for where the action was. That was Walla Walla and Whitman College where Professor Brown fed his love of physics.

At Whitman, he teaches an 8 o'clock science course designed for liberal arts students and an afternoon senior level physics lab. He likes teaching and his students, flattered by his attention, like him. One pretty English major said, "He's a very dynamic man. You can't ignore him."

One fellow professor said candidly, "He has a peculiar quality, a rather astounding honesty. He is extremely frank and outspoken and doesn't care terribly much whether he wins or loses an argument. But he is concerned about being right in an honorable sense."

Brattain is convinced it was right to return to Walla Walla. This is man's country, bigger than life size, and Brattain makes the most of golf and fishing. As a professor he says,

"If I can motivate or inspire one or two of these youngsters in the next 15 years to go on and do something important, I will consider I've accomplished what I set out to do. I will have done something my professors did for me."

COLORADO RIVER LEGISLATION

Mr. MOSS. Mr. President, with both the House and the Senate Interior Committees considering the controversial central Arizona bill, I feel that a Salt Lake Tribune editorial, entitled, "The Hard Facts of the Colorado River," is particularly worthy of attention.

It becomes more evident each day that there is simply not enough water in the Colorado River to meet the compact apportionments to the Upper and Lower Basin States, and that we cannot authorize the central Arizona project, or any other large project until we can find new sources of water.

We must either desalinize water from the sea, or import water from other river basins which have a surplus if the cities and towns in the Colorado River Basin are to continue to grow and prosper.

I ask unanimous consent that the editorial which appeared in the Tribune on May 7 be carried in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HARD FACTS OF COLORADO RIVER

One set of facts stands out above all the others in considering further development of the Colorado River.

It was enunciated last week by Jay R. Bingham, executive director of the Utah Water and Power Board, to a Senate subcommittee considering preliminary legislation for the proposed Central Arizona Reclamation Project.

There is not enough water in the river, he said, that is available in compact apportionments for all potential users in either the upper or lower basin.

Felix R. Sparks, executive director of the Colorado State Water Conservation Board, has put it this way:

". . . We feel it is futile to argue about the little unused water left in the (Colorado) river. No matter how it is parceled out everyone will come up short."

It is becoming increasingly evident that estimates were unduly optimistic when both the 1922 and 1948 compacts, dividing up the waters of the Colorado River, were drawn up and signed. In other words, unless some unexpectedly heavy wet seasons occur soon, more water has been committed by compact and court decrees than is available in the river system. If Central Arizona is authorized, it would require "borrowing" water from Upper Colorado Basin. And history of Western water rights teaches us that promises to make water available at some future date are meaningless if in the meantime that water is put to beneficial use elsewhere.

Rancher Joe Budd, Wyoming member of the Colorado River Commission, touched the crux of the matter when he said: "These bills, without authorization of water importation, are giving away water that is not theirs, or yours, to give."

Hence, since the Colorado River is already over appropriated, it would be the height of insanity to authorize an enormously expensive and complicated project like the Central Arizona without absolute assurance that more water for the basin is obtainable.

There are possibly two outside sources of additional water, both of which might be required to meet demands of the seven Colorado River states.

One is the Columbia River Basin, where the annual flow is around 160 million-acre feet, more than ten times that of the Colorado. The other is sea water conversion, still in the research stage. Nuclear-fueled desalting plants on the Pacific Coast undoubtedly could eventually go far in serving major needs of the Los Angeles and San Diego communities, though the cost factor remains a question mark. Pilot studies are under way, supported by federal, California and local agencies.

It is unlikely that water will be diverted from the Columbia basin to the Colorado during the tenure of Senator Jackson do in the foreseeable future because of vigorous opposition to the proposal in water-rich Washington and Oregon and those sections directly affected.

Actually, however, the concept of interbasin diversion is not new. The Colorado Big Thompson project in Colorado takes Colorado River waters through the Continental Divide into the Missouri River Basin, and a large project is under construction to channel water from the Colorado River basin into the Gunnison-Arkansas basin near Pueblo. Smaller inter-basin diversions are under way in the Duchesne, Joe's Valley and Deer Creek reclamation projects in Utah, to mention a few.

In the large sense, water resources are vital not merely to the states in which they rise and through which they flow but to the nation as a whole as the courts have enunciated with respect to navigation. The national welfare requires them no less for other purposes. Interstate commerce, productivity, employment, and income all suffer when an area of the country allows wastage to the sea of waters that are gravely needed in others areas. The time could come, for example, when the security and welfare of the country will require development of the vast oil-shale resources of Wyoming, Colorado and Utah, a program which would require large amounts of water.

Inter-basin diversion of water and-or conversion of sea water must be definitely in sight before congressional representatives of the Upper Basin states consent to "borrowing" of their water by Arizona or any other state.

THE TAX-EXEMPT MUNICIPAL BOND LOOPHOLE

Mr. NELSON. Mr. President, almost every week witnesses new, giant-size municipal bond issues by small communities. The investment world was recently jarred by an announcement in Oregon of the financing of a $140 million plant for Bell Intercontinental and the Yawata Iron & Steel Co. of Japan.

Wickliffe, Ky.'s 917 citizens will stand behind an $80 million issue for West Virginia Pulp & Paper Co. This amounts to a public debt for private purposes of $80,000 per person.

This loophole in our tax laws is working primarily for the benefit of the large corporations who are able to find financing almost anywhere else in the marketplace of money. In a time of national emergency when we are witnessing drastic cuts in the programs of domestic improvement, and when Congress will probably soon be asked to pass another tax raise for individuals, the U.S. Treasury is being raided. Thirty million dollars in taxes a year is lost through municipal tax-free bonds which the large corporations should be paying.

I think it is time for Congress to face the issue head on and curb this flagrant abuse.

I recommend that Senators take a moment or two to read the letters and articles, which I ask unanimous consent to have printed in the RECORD, concerning the misuse of tax-free bonds.

There being no objection, the letters and articles were ordered to be printed in the RECORD, as follows:

STATEMENTS BY VARIOUS MEMBERS OF THE ADMINISTRATION ON MUNICIPAL INDUSTRIAL FINANCING

Vice President Humphrey on June 15, 1966 at a White House Conference for State Legislative Leaders stated:

"I think you should take another look at the question of industrial development bonds which are issued by state and local government for the purpose of constructing factory buildings, as a means of enticing industry to your state or locality.

"I detect an increasing nervousness on Capitol Hill about the use of federal income tax exemptions for this purpose."

Secretary Fowler stated on June 16, 1966 at the same meeting:

"One example of a cooperative effort which has turned into a disadvantage for both the Federal government and at least some of the States is of particular interest to me. For some time I have shared with many others, some in the Administration, some in the Congress, and some in responsible financial position in State and local governments, a growing concern about certain uses of the tax exemption privilege which is accorded to State and municipal bonds."

"One area that has raised doubts and discussion over the years has been the use of industrial development bonds. This practice has been defended on the ground that it helps to bring industry to low-income labor-surplus areas. Thoughtful critics, however, have prophesied that the practice would eventually become self-defeating. Recent experience appears to support their view, since the use of this type of bonding is growing and the advantage to any State or municipality decreases as more States and localities enter the field. This practice merits careful attention and is currently under study."

Speech by Stanley S. Surrey, Assistant Secretary of the Treasury For Taxation, before the Federal Bar Association—Bureau of National Affairs Conference on Taxation of Affiliated Corporate Groups, Mayflower Hotel, February 23, 1967:

"As to the financial assistance aspects, I would like first to mention the tax-exempt industrial development bonds issued generally by local governments or agencies. These are rapidly growing in number and amount—in 1960, $41 million were issued while in 1966 the issues appear to top a half billion. Since 1963 the total outstanding has more than doubled. Since the prime security, indeed usually the only security, behind these bonds are revenues derived by the issuing local agency from the sale or lease by it of a plant or other industrial facility to a private corporation, the bonds are sold on the credit of that corporation. The rents for the plant or the yearly installments of the sales prices are fixed to meet interest payments by the issuing agency and amortization of the principal of the bonds. The corporation is thus borrowing from the public but the red seal of the local issuing agency stamped upon the bonds imparts to it a tax exemption for the interest. As a result, the interest rate obtained by the corporation will be below the market rate that would otherwise apply. More and more this practice is being used by financially strong corporations that are fully able to obtain funds through normal channels. Their turning, however, to these industrial development bonds makes them accomplices with the local issuing agencies in an arrangement that distorts the tax-exemption privilege and forces the Federal tax system

improperly to support their financing. Indeed, the position of accomplice is often forced upon the local agency under the threat of locating the plant elsewhere. This is a far cry from the original use of these bonds for corporations willing to enter areas of high unemployment but lacking capital of their own, a situation close to those in which financial assistance is now granted by the Economic Development Administration.

"As the 1967 Report of the President's Council of Economic Advisers states: 'Through the use of these (industrial developments) bonds, localities have passed to private industries the benefit of the exemption of their interest from Federal tax, in many cases without assuming any real obligation for repayment of the bonds. This questionable practice is becoming increasingly widespread, and the lack of any obligation by the locality authorizing the bonds permits proliferation without limit. The use of the Federal tax code in this fashion is inefficient and inappropriate.'

"One wonders at the lack of self-restraint on the part of the corporations and localities here involved. Clearly, the rapid spread of this practice as other States and localities must unwillingly adopt it in self-defense can only end in a chaotic situation that will hamper the financing of the genuine needs of State and local governments. If all localities were to use these bonds they would both weaken the market for their traditional tax-exempt issues and also fail in their original purpose to influence plant location. Indeed, a lower interest cost for their financing will simply become a fringe benefit for corporations no matter where they locate."

Speech by Manuel F. Cohen, Chairman of the Securities and Exchange Commission, before the National Industrial Conference Board, February 16, 1967:

"For example, there is an increasing controversy concernnig 'industrial revenue bonds'—obligations nominally issued by governmental units to finance plant construction which provide for the payment of principal and interest exclusively out of the rental paid by a private company for the use of the plant. These arrangements have raised questions under the federal tax and securities laws—laws which were drafted on the assumption that there was a good reason for distinguishing government from business securities and that there were workable criteria for making the distinction."

INVESTMENT BANKERS ASSOCIATION PRESENT POLICY POSITION WITH RESPECT TO PRESERVING TAX EXEMPTION OF STATE AND LOCAL GOVERNMENT BONDS

The preservation of the ability of state and local governments to finance needed municipal improvements independently of the Federal Government is of primary concern to members of the Investment Bankers Association. We think it is in the best interest of the citizens of the United States to whose direct benefit these municipal improvements flow, to retain control at the state and local level as to the timing, desirability and need of these projects. Our interest in protecting the tax exemption of interest on state and local debt obligations—on which local control is largely dependent—has not changed and will not change; however, because certain abuses of tax exemption have expanded to alarming proportions, we felt it desirable at our recent Spring Meeting to make a realistic adjustment of the policy of our Association regarding solutions for these abuses.

In the past our Association has publicly denounced practices developing in the issuance of municipal bonds which jeopardize the continued benefits of tax exemption for normal municipal projects. The members of our Association are becoming increasingly alarmed over the volume of municipal bonds being issued to build plants for private corporations and the adverse effect that this has on the market for bonds issued for the usual public benefit purposes such as schools, sewer and water, etc. Many market observers are convinced that tax exempt borrowings for industrial or commercial use by private corporations are now of such significant volume as to substantially increase the interest rates municipalities must pay for their normal purpose borrowings.

Reluctant to invite further Federal incursion into state affairs, the Association for many years vainly sought corrective action through the states. Since 1951 the IBA has engaged in various informational programs aimed at specific groups in both government and business, as well as the general public, warning of the dangers to state sovereignty and to the private enterprise system which are inherent in various perverse uses of tax exempt bonds.

Our public opposition has been steadfastly maintained even though an increasing number of security firms, including many of our members, have actively engaged in negotiating, underwriting, and distributing municipal industrial issues. The Association's stand, reaffirmed and strengthened by repeated studies, has been taken as a matter of principle.

Because we firmly believe that tax exemption for proper purposes will survive only if abuses are curtailed, in alliance with other responsible organizations we have pushed for Federal legislation to discourage municipal industrial financing. Our preferred solution has been and still is to deny deductible expense status for lease rental payments, depreciation, interest and investment credits now allowed to private purpose plants and equipment financed with the proceeds of tax exempt bonds. However, this problem has become entwined with the Internal Revenue Service-Treasury Department's concern over the practice of arbitrage and some advance refundings. An application to the Internal Revenue Service for a tax ruling exempting the bonds of an authority created by the State of Ohio, which would have issued tax exempt securities, invested the proceeds in Government bonds, and thus would have realized an immediate profit, forced the Treasury to take a position on the matter. In our opinion the Treasury reaction to this proposal is the key element in the present situation.

Shortly after Secretary Fowler's speech on June 16, 1966 in which he discussed the above matters, representatives of the IBA were informed that the Treasury was preparing legislation to eliminate these practices. We have met with the Treasury Department on numerous occasions, in an attempt to agree upon an approach which in our opinion would assure continuance of tax exemption for the usual public purposes while eliminating these undesirable practices. To this date we have been unable to suggest a workable formula for the elimination of arbitrage and certain undesirable advance refundings which does not involve the denial of tax exemption on these securities. The August (1966) Technical Information Release of IRS on arbitrage and advance refunding was intended as a short-run solution, pending a study of the situation. It now appears probable that the Treasury Department in any event will seek legislation to stop arbitrage and some advance refundings by making the interest taxable on securities issued for these purposes. The likelihood of passage of any legislation dealing with municipal industrial financing may be greatly enhanced if it is presented as part of an overall reform package dealing with abuses of tax exemption.

There are unquestionably many in high positions both within and without government circles who would like to remove tax exemption altogether. As abuses continue to grow, it becomes easier for these opponents to find sympathy and support for legislation to eliminate all tax exemption. In our opinion, the deterrent that keeps these opponents from seeking ultimate elimination of tax exemption is the united conviction of citizens, public administrators and legislators that tax exemption is essential to preserve the independence of state and local Governments. It has been determined by the Association that the best line of defense for tax exemption is the elimination of current abuses which, in our opinion, bring the whole tax exempt concept under attack. Undoubtedly, some will still contend that the best line of protection for tax exemption is the defeat of any legislation which exposes the principle of reciprocal tax immunity to adjudication. We thoroughly understand this position and we have held to it in our efforts to secure the passage of legislation that would eliminate municipal industrial financing, but our efforts have been unavailing and the situation is rapidly deteriorating.

For more than a year consultations and studies have been conducted by cognizant committees of the members and by our staff in Washington. Outside expert opinions have been solicited and secured. After considering all opinions, as well as past and current developments, the Municipal Securities and the Municipal Industrial Financing Committees recommended new action by the Board of Governors. Accordingly, the Board of Governors of the Investment Bankers Association May 12, 1967 adopted the following resolution:

"The Board of Governors of the Investment Bankers Association of America reaffirms its conviction that the preservation of the ability of state and local governments to issue securities whose interest is exempt from Federal taxation is both necessary and desirable to maintain our dual sovereign system of government.

"We recognize that certain abuses of the right to issue tax exempt bonds have developed which threaten this right and we have proposed correction of these abuses as follows:

"(1) Our Association since 1951 has discouraged the issuance of tax exempt securities to build industrial or commercial facilities for private corporations, a position we have subsequently reaffirmed many times; and

"(2) In 1966 our Association passed a resolution opposing the issuance of tax exempt securities for the primary purpose of investing the proceeds in taxable securities to yield a profit, a practice generally referred to as arbitrage.

"Believing that these abuses continue to jeopardize tax exemption for state and local government bonds issued for normal municipal improvements such as schools, sewage and water systems, etc., we reaffirm our position that these abuses should be eliminated.

"Therefore be it resolved that:

"(1) The Board of Governors of the Investment Bankers Association reaffirms its concern over the growth of municipal industrial financing and other abuses of the right to issue tax exempt municipal bonds.

"(2) The Investment Bankers Association will support Federal legislation *which in the opinion of the Association is properly drawn* [1] to exclude from Federal income tax exemption interest on bonds which are issued primarily for the purpose of supplying funds for private corporations and arbitrage, which includes certain types of advance refundings."

---

[1] Among various considerations which would be included within the term *properly drawn* are:

a. unequivocal protection for general obligation and revenue bonds for normal public benefit purposes, free from Federal Government control, and

b. that any new legislation would be prospective, applying only to future issues.

INVESTMENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., May 17, 1967.

HON. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The members of the Investment Bankers Association greatly appreciated your past interest and concern on the subject of municipal industrial financing. For your information we have taken a new position on this subject and have informed the Treasury that if they will send their bill on municipal industrial financing, arbitrage and advance refunding, which would make the interest taxable on municipal bonds sold for that purpose, to the Congress that our Association will testify in support of this legislation.

It is our belief that these abuses continue to jeopardize the benefits of tax exemption for state and local government bonds for normal municipal improvements such as schools, sewage and water systems, etc. and, therefore, believe it is in the best interest of maintaining a dual sovereign system of government to eliminate these abuses.

If the Treasury's reason for not doing anything in this area has been our opposition to the removal of tax exemption on any municipal bonds, we have removed this excuse for delay provided the legislation is technically correct. If the Treasury's indecision and delay on this matter is motivated by a desire to allow these abuses to continue and multiply so as to provide an excuse for the elimination of tax exemption on bona fide municipal improvements, we want the record kept clear that we have done everything in our power to eliminate these undesirable practices and will strongly oppose any across-the-board elimination of tax exemption.

Our members derive their profit from the buying and selling of municipal bonds and therefore whether the bonds' interest is tax exempt or taxable will only indirectly affect them. However, without the tax exempt feature on many of these bonds the ability to provide a market would be next to impossible regardless of the interest rate, and the resulting charge to the community without some sort of a Federal subsidy or guaranty may be exorbitant. Accordingly, we think it is in the best interests of the citizens of the United States to whose direct benefit many of these municipal improvements flow to have the direct control free from the Federal government as to the timing, desirability, and need of many of these projects.

If our Association can provide you with any background material, statistical information or over-all support on the elimination of these abuses, please don't hesitate to contact me at the Washington office. Enclosed for your information is a copy of an article that appeared in today's Bond Buyer on this subject.

Sincerely,

ALVIN V. SHOEMAKER.

INVESTMENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., April 21, 1967.

HON. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: During the last Session of the 89th Congress, the Investment Bankers Association of America on two separate occasions wrote to each Member of Congress expressing its concern over the practice of issuing tax-exempt municipal bonds to build private plants for private profits—so-called "Municipal Industrial Financing".

In just over a decade, the amount of this type of finance has grown from $1.5 million in 1956 to $500 million in 1966 with projections for this year running close to $1 billion. The sale of a single tax-exempt issue this year ($82.5 million) to finance machinery and plant facilities for ARMCO steel accounted for over 50 times the National amount for 1956.

We have opposed the improper use of tax-exempt borrowing since 1951 and have continually pressed for Federal legislation to remedy this problem. We urge that legislation be supported to amend the Internal Revenue Code so as to deny deductions for any amount paid to a governmental unit by a private company for occupancy of (or as interest on a mortgage on) an industrial facility financed by the profits of tax-exempt Municipal Industrial Bonds. We also believe that deductions should be eliminated for depreciation and investment credit where applicable for plants financed by tax-exempt bonds.

Several bills have already been introduced this Session which would accomplish this purpose: S. 1282 by Senator Gaylord Nelson, H.R. 5485 by Rep. Henry Reuss and H.R. 5519 by Rep. Clement Zablocki. In addition, you will be interested to know that Secretary of the Treasury Fowler on April 10, 1967 in a speech before the Kentucky Chamber of Commerce made the following statement:

"Similarly, changing patterns have occurred with tax exempt industrial development bonds, rapidly growing in numbers and amounts, and being sold, in effect, on the credit of a private corporation which has bought or leased a facility from the issuing local agency. The rents, or sales installments, which the corporation pays to the local agency, are fixed to meet the issuing agency's interest payments and the amortization of the principal of the bonds. In other words, the corporation is in effect borrowing from the public, but obtaining a tax exemption for the interest. This means that the interest rate which the corporation obtains will be below the market rate which it would otherwise have to pay.

"Now, more and more, this device is being used by corporations which are financially strong and quite capable of obtaining their funds through normal market channels. When they turn to the local issuing agency for these funds they—and the local agency—are getting into an arrangement which distorts the tax-exemption privilege and which, in the long run, simply forces the Federal tax system to support their financing. This is indeed a far cry from the original intent of the exemptions—which was to encourage corporations which lacked capital of their own to set up businesses in areas of high unemployment, generally in rural areas."

The Investment Bankers Association of America urges you to support and sponsor legislation similar to that cited above.

If we can be of any service, furnish any information, provide any background on this matter; please call upon us. We have enclosed for your information an article from the current issue of Forbes Magazine discussing Municipal Industrial Financing.

Respectfully,

MARSOM B. PRATT.

[News release of Investment Bankers Association of America]

A $140 MILLION TAX-FREE BOND ISSUE TO BUILD JAPANESE-AMERICAN PLANT IN OREGON

The investment world was jarred today by the announcement that Port of Astoria will issue $140 million in tax-free municipal industrial bonds to finance the construction of an aluminum plant in Warrenton, Oregon. This is the largest industrial revenue bond issue ever.

The plant will be built for Northwest Aluminum Company, a newly formed, wholly owned subsidiary of Bell Intercontinental. Plant leases will be guaranteed by Bell Intercontinental and Yawata Iron and Steel Company—the largest iron and steel company in Japan. (The only other foreign corporation known to have benefited from tax-free municipal industrial bonds was MacMillan, Bloedel and Powell River, Ltd. of Vancouver, Canada. That was a $70 million venture at Camden, Alabama entered into with United Fruit Company in 1966).

The startling development came on the heels of an announcement by the Investment Bankers Association that it will support a Treasury Department bill to exclude from Federal income tax exemption the interest on municipal bonds which are issued primarily for the purpose of supplying funds for private corporations. The IBA has become increasingly alarmed by the volume of municipal industrial bonds being issued. A position paper on the subject released by IBA this week warns that this type of financing is substantially raising the interest rates municipalities must pay for their borrowings for authorized public purposes and places the entire tax-exempt system in jeopardy.

In the face of an already record high volume of tax-free bonds issued since the first of the year, municipal industrial revenue bonds this year threaten to top the $1 billion mark. Industrial revenue bonds sold so far total some $165 million as opposed to $80 million sold this time last year. Since 1966 totals exceeded $500 million, if the present trend continues, the amount will be double at the end of fiscal year 1967. Among the largest municipal industrial bond offerings either sold or announced are Middleton, Ohio's $82,500,000 issue for Armco Steel, a $90 million issue by Hancock County, Kentucky for Southwire Company and an $80 million issue for the West Virginia Pulp and Paper Company. The most recent issue announced and sold was the Fort Madison, Iowa's $60 million at 4½% for Sinclair Petro-Chemicals, Inc. (a wholly owned subsidiary of Sinclair Oil Corporation).

Originally, the purpose of allowing municipalities to underwrite the construction of corporate plants through the tax-free municipal bond route was to help small companies locate in depressed areas, but IBA charges that this entire concept has been disproved in recent years.

While reiterating its traditional stand on the need for direct control of municipal bonds at the State and local level, the IBA in its position paper, said that it believes it desirable to curb certain abuses—primarily municipal industrial financing, arbitrage and advanced refunding. For this reason they are now supporting the Treasury's bill providing it is so drawn as to protect normal municipal borrowings.

The IBA adopted this position by a unanimous vote of their Board of Governors during their Spring Meeting at White Sulphur Springs, West Virginia.

The Association voices a concern that if some action is not taken soon, critics of the present tax-exempt system will attempt to eliminate the exemption on municipal bonds altogether. Two members of the Federal Reserve Board and several Congressmen have already suggested this possibility.

The formal resolution adopted by the Board of Governors and made public in the IBA position paper just released broadly outlines the Association's traditional concern for the preservation of tax-exempt municipal bonds and its policy respecting municipal industrial financing, arbitrage and advanced refunding and concludes—

"Therefore be it resolved that:

"(1) The Board of Governors of the Investment Bankers Association reaffirms its concern over the growth of municipal industrial financing and other abuses of the right to issue tax exempt municipal bonds.

"(2) The Investment Bankers Association will support Federal legislation *which in the opinion of the Association is properly drawn* [1]

[1] A complete text of the "Investment Bankers Association Present Policy Position with Respect to Preserving Tax Exemption" is attached.

to exclude from Federal income tax exemption interest on bonds which are issued primarily for the purpose of supplying funds for private corporations and arbitrage, which includes certain types of advance refundings."

[From the Daily Bond Buyer, May 23, 1967]

CAROLINA LAWMAKERS AUTHORIZE, DENOUNCE INDUSTRIAL AID BONDS

RALEIGH, N.C.—The North Carolina Legislature, in almost the same breath, has both authorized and denounced the issuance of tax-exempt industrial aid bonds.

With admitted "reluctance" the State Assembly last week passed a law authorizing the farming out of tax-privileged public credit to private business enterprises on terms calling for the public financing of industrial plants for leasing to private enterprises.

In a companion resolution, the North Carolina lawmakers called on the President of the United States and the governors of the other states of the United States to ask the Congress to repeal the tax-exempt status of certain industrial revenue bonds.

The North Carolina resolution (HR 1044) requests that the interest received by owners of industrial revenue bonds be subject to all applicable future income taxes. Copies of the resolution were ordered sent to President Johnson and to the governors of the other states.

Supporters of the bill authorizing the issuance of North Carolina industrial aid bonds characterized the legislation as "defensive." They pointed out that 34 states are now using such bond issues to attract industry.

Legislators voting for the bill made the point that if the tax-exempt status of such bonds were removed, the special attractiveness of such financing to industry would be removed as well, and the practice would come to an end.

A court test of the constitutionality of the North Carolina law is expected soon. Dan Stewart, director of the North Carolina Board of Conservation and Development is planning to bring a friendly suit before the State Supreme Court to test the legality of such bonds in advance of any sale.

[From the Washington (D.C.) Post, June 7, 1967]

ON TAX-EXEMPT BONDS

The bipartisan sponsorship of legislation that would lift the Federal tax exemption from the "industrial development" bonds, issued by state and local governments to finance private enterprises, raises a broader and more controversial question. Should the Federal Government be granting subsidies to states and cities by exempting their general bond issues—the so-called "municipals" —from income taxes?

It is charged that the use of industrial development bonds results in unfair competition and the migration of industry to disadvantageous locations. These objections may be substantive. But even if they are without merit, the tax exemption on industrial development bonds should be withdrawn because it is a subsidy to private industry which Congress would never be willing to grant through annual appropriations.

The larger issues of lifting the tax exemption from municipals has for long involved a question of constitutionality. Although the 16th Amendment empowers the Government to levy a tax on income "from whatever source derived," municipals were specifically exempted in the first Income Tax Act. Indeed, it is doubtful that the 16th Amendment could have been passed without prior congressional assurance that the exemption would be inviolate. But since then the precedent has been weakened, notably by the Supreme Court decisions that empowered the Federal Government to tax the income of state employes and conferred the same right on state and local governments to tax Federal employes. As a consequence, the Attorney General's office has long inclined toward the view that the Supreme Court would not strike down an effort to eliminate the tax exemption on municipals.

But the substantive case against tax exemption is economic. It is true that the exemption of municipals permits the financing of socially desirable projects—such as schools, waterworks and hospitals—at a lower interest cost to the borrowers. What is overlooked is that such exemptions entail the granting of Federal subsidies in a most inefficient manner.

David J. Ott and Allan H. Meltzer, in a brilliant analysis prepared for The Brookings Institution—*Federal Tax Treatment of States and Local Securities*, conclude that the loss of revenues by the Treasury exceeds the savings that state and local governments realize by virtue of tax exemption. Moreover, this method of granting Federal subsidies favors governments with high credit ratings and at the same time implicitly penalizes those which prefer higher taxes to larger debts. It would be far better, both from the vantage point of equity and efficiency, if equivalent benefits were conferred upon state and local governments by Federal grants.

The other objections to exemption are that it violates the principle of equity in personal taxation and leads to the misallocation of capital. Persons with equal incomes should bear equal tax liabilities. By purchasing municipals, very wealthy persons are relieved of tax liability. And because of the attractiveness of the tax shelter, capital is diverted from riskier enterprises where it would earn higher returns and in the process create much more income and employment.

Six efforts have been made to convince Congress that exemption ought to be abolished in the interests of economic efficiency and equity in taxation. All foundered because of the obvious political opposition which is still formidable. Nevertheless Congress, which is about to grapple with other issues in intergovernmental finance, should take a new look at this old problem.

LARGEST MUNICIPAL INDUSTRIAL BOND ISSUES

IN 1961

(March) $25,000,000, Cherokee, Ala. (population 1,400) to build a chemical plant for Armour & Co.

IN 1962

(December) $21,000,000, Opelika, Ala. (population 15,678) for U.S. Rubber.

IN 1963

(October) $50,000,000, Lewisport, Ky. (population 750—employs 1,000) to build an aluminum plant for Harvey Aluminum Co.

IN 1964

(June) $23,000,000, Helena, Ark. (population 11,500) to build a fertilizer complex for Arkla Chemical Corporation, a subsidiary of Arkansas-Louisiana Gas Co.

(September) $22,500,000, Maricopa County, Ariz. (population 663,510) for American Sugar Refining Company.

(October) $20,000,000, Blytheville, Ark. (population 20,797) to build an anhydrous ammonia plant for Continental Oil Co.

(December) $45,000,000, Prattville, Ala. (population 6,616) to build a plant for Union Bag-Camp Paper Corporation.

IN 1965

(March) $25,500,000, Selma, Ala. (population 28,385) for Hammermill Paper Corporation.

(March) $45,000,000, Phenix City, Ala. (population 27,630) for Mead Corp. and Inland Container Corp.

(August) $55,000,000, Scottsboro, Ala. (population 6,449) Revere Copper and Brass Company plant.

IN 1966

(February) $60,000,000, Clinton, Iowa (population 33,589) for construction of a plastics and petro-chemical plant for Chemplex Co., a venture sponsored jointly by Skelly Oil Co. and American Can Co.

(April) $70,000,000, Camden, Ala., to finance construction of lumber, plywood and paperboard facilities for United Fruit Co., Boston, and MacMillan, Bloedel & Powell River, Ltd., Vancouver, Canada.

(April) $35,000,000, issued by Northern Delaware Industrial Development Corporation, an agency of the State of Delaware to finance acquisition and modernization of steel plant from the Phoenix Steel Corporation for that corporation.

(April) $34,400,000, Ashland, Ky. (population 31,283) to build a steel plant for Armco Steel Corporation.

(June) $36,000,000, Winchester, Ky. (population 10,187) for Rockwell Standard.

(May) $46,000,000, Nekoosa-Edwards Co. of Wisconsin for plant in Arkansas.

(June) $24,000,000, West Virginia Air Reduction.

IN 1967

(February) $82,500,000, Middletown, Ohio (population 43,000) Armco Steel Corporation.

Nevada, Missouri (population 3,416) $20,000,000, Minnesota Mining and Manufacturing Co.[1]

Hancock County, Ky. (population 5,330) $90,000,000, Southwire Company.[1]

(April) $30,000,000, Warren County, Ky. (population 45,491) Firestone Tire & Rubber Company.[1]

(May) $80,000,000, Wickliffe, Ky. (population 917) West Virginia Pulp and Paper Company.[1]

(May) $60,000,000, Lake Charles, La. (population 67,000) Hercules, Inc.[1]

(May) $60,000,000, Fort Madison, Iowa (population 15,247) Sinclair Petro-chemicals, Inc., subsidiary of Sinclair Oil Corporation.

(May) $140,000,000, Warrenton, Oregon (population 1,717) Northwest Aluminum Company, a wholly owned subsidiary of Bell Intercontinental. Plant leases will be guaranteed by Bell Intercontinental and Yawata Iron and Steel Company of Japan. Bonds to be issued by the Port of Astoria.[1]

[From the New Republic, May 6, 1967]

BOND DOGGLE

(By Paula Sterns)

Last spring the 50 residents of Champ, Missouri, (14 qualified voters) voted a $12.5 million industrial development bond issue. The proceeds from the sale of this bond will go toward the construction of three plants to lure industries to Champ. In exchange, three corporations have prearranged to rent the plants from the town in order to cover the villages payments on the huge interest-bearing certificate.

Apparently such a transaction is profitable for all concerned (approximately 37 states have passed enabling acts for municipal industrial financing). New industry perks up a town's payroll, and corporations save money in the following ways: (1) Since municipal bonds are tax-free, capital to finance plant construction is acquired at a rate appreciably lower than "prime" bank rates; this saving is then passed on to industry in the form of low rent. (2) The corporation pays no property tax, since the plant legally belongs to the city (sometimes companies pay a fee to the town in lieu of property taxes). In addition, the existence of anti-union "right to work" laws means lower operating costs for industries locating in the South, the leader in the industrial development bond field.

The sale of tax-exempt industrial development bonds was originally intended to aid

---

[1] Announced but not sold.

small companies which were willing to enter regions suffering from chronic unemployment but which were unable to raise capital at a reasonable cost. Today, however, the beneficiaries of this subsidy have changed substantially. Municipal industrial financing is no longer directed to underdeveloped areas. And the small company struggling in a poverty-stricken area has been replaced by a thriving giant corporation. US Rubber and United Fruit Company are only two good examples of multimillion-dollar industrial corporations taking advantage of this loophole in the tax laws. The largest single bond issue—$82.5 million for the Armco Steel Corporation in Middletown, Ohio—dwarfs Champ's venture.

Municipal industrial financing has grown geometrically in the past few years to a billion-dollar business. It represents a loss to the federal Treasury of $20 to $30 million of net revenue each year. In effect, the federal government, at the expense of the taxpayer, is subsidizing industries profiting from this tax dodge.

And towns only seem to profit from the sale of bonds to finance plant construction for new industry. The rapid spread of this practice pinches the market for traditional, tax-exempt, public issues—for schools, roads and the like—and it means the town will fail in its original purpose, to influence plant location.

"Plant piracy" is so rampant that Flint Steel Corporation left Memphis, Tenn., for greener pastures—West Memphis, Ark. If and when a corporation relocates, it abandons a town full of unemployed workers, which the city must support, and an empty plant.

Congressman Henry Reuss' district, Milwaukee, Wis., was hit hard by the effects of industrial aid financing when the Cutler-Hammer Corporation moved part of its operation to Bowling Green, Ky. Since then, he and Congressman Clement Zablocki have spearheaded efforts to eradicate the practice. However, once their bills reach the Ways and Means Committee, action stops. Wilbur Mills of Arkansas, which is one of the three leading states issuing such bonds, is chairman of the committee and has resisted reform in this area. Likewise, the Treasury Department has so far done nothing but state its "concern."

President Johnson will submit a package of tax reforms this year. The question is whether the issue of industrial bond financing will be included. If so, will the Administration hold fast to its position when it encounters opposition in the Ways and Means Committee?

REUSS AGAINST TAX-EXEMPT STATE AND LOCAL FINANCING OF INDUSTRIAL FACILITIES

(NOTE.—This statement was prepared for Banking by Congressman Henry S. Reuss (D. Wis.) member of the Joint Economic Committee and the House Banking and Currency Committee.)

Today, as a weapon in the fierce competition for job-providing and revenue-producing industrial development, increasing numbers of cities and towns across the nation are building manufacturing plants for private corporations at bargain prices.

Municipalities provide this subsidy to business at no apparent cost to themselves by issuing low-interest-rate tax-exempt municipal bonds, commonly known as municipal industrial development bonds, to finance construction costs. The business facilities are then sold or leased to corporations.

As a result, private profit-making corporations receive the benefit of lower tax-exempt interest rates intended to finance public facilities and services—like schools, hospitals, roads, and sewers.

Sales of municipal industrial development bonds have skyrocketed from $12,000,000 in 1955 to $200,000,000 in 1965. Already in the first six months of 1966, $324,000,000 of these bond issues have been announced or issued.

This mounting abuse of the Federal tax exemption privilege is costly and self-defeating for the communities and the nation.

(1) *It encourages plant pirating.* Major corporations are lured away from their present locations by the reduced costs of new plants financed by lower-interest-rate municipal bonds. When this happens, unemployment, reduced purchasing power, higher welfare costs, and a smaller tax base are the lot of the communities losing plants.

(2) *It promotes uneconomic plant location.* The powerful incentives of tax-exempt financing cause businesses to pass up better-suited plant locations in favor of subsidized facilities.

(3) *It undermines fair competition.* The windfall gain of tax-exempt financing given to some competitors provides an unfair advantage over others which finance business expansion in conventional money markets.

(4) *It encourages costly, self-defeating bidding for plants.* As predicted, the beggar-thy-neighbor competition among states and localities has resulted in established industrial and commercial areas paying out subsidies to defend their economic position. Until recently, tax-exempt municipals for industrial development were exploited vigorously mainly by Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. Today, some 38 states have or are preparing legislation to use tax-exemption privileges for industrial purposes. New York City recently announced that it would issue industrial development bonds in self-defense against plant pirating. The stage is set for nationwide warfare among localities for industrial development.

(5) *This ultimately futile competition bites deeply into the public purse.* Federal revenues are diminished by the increase in tax-exempt interest income; the local tax base is eroded by the loss of public-owned property from the tax rolls; and the cost of municipal financing for legitimate public purposes and services is increased by the higher interest rates which prevail in a glutted municipal-bond market.

Eighteen months ago I introduced alternative bills to end this wasteful financing. One, H.R. 5586, would deny the income tax deduction for rental payments to businesses occupying facilities financed by municipal industrial development bonds. The second, H.R. 5587, would straightforwardly remove the Federal tax exemption on municipal industrial development bonds.

We are now at a critical stage. If allowed to continue much longer, so many cities and towns, corporations, bond dealers, and others will have a stake in the self-defeating practice that it may be impossible to halt it.

Fortunately, the outlook for Congressional action has improved greatly in recent months. In mid-June Treasury Secretary Henry H. Fowler indicated that the Treasury may soon ask for legislative action to curb this practice. I have hopes that by the time this is printed, a Treasury bill will have been introduced; and that Congress will act on the measure before adjournment.

[From Forbes, Apr. 15, 1967]

COME TO MY TOWN

"Maybe not in this session of Congress," said Representative Martha W. Griffiths, a Detroit Democrat, "but in the next session, certainly." Mrs. Griffiths was talking about Congressional passage of a bill that has been drafted by fellow Representative John W. Byrnes of Wisconsin, commonly known as "the new Byrnes bill." The bill is aimed at a tax loophole that has enabled small communities to pirate billions of dollars worth of industry from other parts of the country. It involves the use by small communities of their tax-exempt borrowing power—but for the benefit of private industry.

There are basically two sorts of municipal bonds on issue today—general obligation bonds and revenue bonds. Over the years the legislatures of most states have set limits on the amount that local municipalities can borrow on general obligation bonds, in order to keep the local governments from going broke trying to pay for grandiose schemes of public works. No such limit has been set on revenue bonds simply because their redemption is tied to future revenues. Some communities have been using them to subsidize private industry to locate in their areas. They build a plant with tax-exempt and therefore cheap money and they lease it cheaply to some company that is willing to use the plant.

The "new Byrnes bill" would simply require that the same limits that now apply to general obligation bonds would in the future apply to revenue bonds. (The limits vary among the states according to the size of the community.) Why is this of such overwhelming importance to both industry and local governments? Because, in simple fact, the issuance of these municipal revenue bonds used for industrial purposes is expected to hit $1 billion this year compared with a mere $7 million as recently as 1950, according to the Investment Bankers Association.

HOW IT STARTED

Back in the Depression-bound days of the 1930s, the states began to pass statutes enabling local communities to issue bonds to provide capital for constructing industrial plants that could be rented to private companies.

But as everyone who can read knows, over the last 15 years the competition among individual communities—and among the states—to attract new industry by means of these tax-free municipal bonds has increased enormously. Not only does new industry increase a town's tax lists, it also increases jobs, retail trade, and the value of property owned by the community's leading citizens.

A total of 34 states now have legalized the use of these tax-free municipals to pay the way for companies that want to relocate. The advantages to the company are obvious. A community with a good bond rating for its tax exempts can usually borrow money from 1% to 2% cheaper than the company, and can use this cheap money to build the most modern of plant facilities. The company can charge off rent as a business deduction, and has the choice of either paying relatively low rent—due to the cheap money—or very high rent over a short period to take advantage of a tax benefit similar to accelerated depreciation.

And, as if that weren't enough of having your cake and eating it, some local governments have sold the municipal bonds to the actual company occupying the plant that the bonds paid for—enabling the company to enjoy the tax-free status of those same bonds.

BIG COMPANIES INVOLVED

The time was when all this was small potatoes. Only a few years ago, one industry-wooing deal that made the newspapers was when the city of Champ, Mo., with a total of 14 registered voters, used a bond issue to build a $1.3-million marcaroni plant for the American Beauty Macaroni Co.

Now Litton Industries is making ready to move into a $100-million facility built for it via a bond issue by Jacksonville, Fla., and General Dynamics is to move into a similar-cost facility built at Quincy, Mass. A list of U.S. corporations taking advantage of these bond issues reads like a Who's Who of American industry—Uniroyal into Opelika, Ala.; Revere Copper into Scottsboro, Ala.; Union-Camp into Prattville, Ala.

In the last few years, however, as this practice was skyrocketing, its opponents began to become more and more worried by this thinly disguised, uncontrolled subsidy with the taxpayer's money.

Said Alcoa Director Frank L. Magee: "I think it an abuse of the right of municipalities or states to issue tax-free bonds when they are issued primarily for private benefit. . . . It is unfair to industrial neighbors and to other companies in competitive industry. . . . If more and more states adopt this enabling legislation, it could result in a substantial portion of industrial facilities being owned by government, and the game getting very costly."

WARNING

The Federal Reserve Bank of Boston predicted that if the practice continued it would end with the states making "outright capital gifts" to industry; ex-Treasury Secretary C. Douglas Dillon and present Secretary Henry H. Fowler have warned that the states were cutting off their noses to spite their faces. The Investment Bankers Association itself is deeply split over the whole issue.

The reason that Congress has taken no substantive action in this field up to now is that any piece of legislation on the matter would have to go through the Ways & Means Committee headed by the almost-all-powerful Wilbur D. Mills, Arkansas Democrat. And Arkansas is the third-largest user in the nation of such tax-free bonds. The Byrnes bill won't end the practice but it will prevent towns like Champ, Mo. from building huge plants. It won't lock the barn door but will close it a bit.

In addition to the Byrnes bill, Representatives Henry S. Reuss and Clement J. Zablocki, both Wisconsin Democrats, have proposed legislation that would eliminate the tax-free status of interest from municipal industrial bonds. But the Byrnes bill seems to have the best chance.

"The beautiful thing that Byrnes has done with his new bill," said one well-informed Congressman, "and the reason it is almost certain to pass in the next session, is that he has phrased it and timed it in such a way that it won't hurt Arkansas."

[From the Daily Bond Buyer, May 17, 1967]

NEW MOVE WOULD ABOLISH TAX-EXEMPT INDUSTRIAL BONDS—IBA GOING ALONG WITH TREASURY

(By John Gerrity)

WASHINGTON.—A new legislative attack on the issuance of local government bonds to aid private industry—a move that would disqualify such bonds from the right to claim immunity from Federal income taxation—is being prepared by the Treasury Department with the backing of the Investment Bankers Association of America.

The tentative approval given by the IBA to the Treasury's new move represents a major reversal of the longstanding policy of the trade association to resist any action by the Federal Government that might be regarded as an infringement on the so-called constitutional immunity of all local government debt securities from income taxation by the Federal State.

FORMER POSITION

Until now, the position of the IBA has been that "abuses" of tax-exempt financing in the industrial aid area should be dealt with not by abolishing the tax-immunity of the bonds, but by disallowing the right of the benefited industrial companies to deduct lease payments for tax purposes.

AIMED AT ARBITRAGE, TOO

The IBA's partial retreat from its traditional defense of the tax-exempt privilege relates not only to industrial aid financing but to unwarranted arbitrage profits and certain advance refundings.

While agreeing tentatively to go along with Treasury plans to introduce restrictive tax reform legislation this year to curtail these abuses, the IBA has informed the Treasury that its endorsement of remedial legislation is conditional—dependent entirely upon its approval of proposed Administration legislation, now in preliminary draft form.

The proposed bill, which the IBA has conditionally approved, will provide for the total elimination of the tax exempt privilege from state and local government securities sold to promote industrial development.

The measure will also limit but not abolish entirely the tax emept privilege—in respect to local government bond offerings made either for arbitrage profits or advance refundings.

The IBA's conditional agreement to go along with the Treasury's efforts to curtail abuses in the tax exempt field was reached last week at the spring meeting of Association governors at White Sulphur Springs, West Virginia.

The decision to support the Federal government in its corrective efforts was endorsed by the IBA's Municipal Securities Committee, the Municipal Industrial Finance Committee and the Board of Governors.

WANT PLEDGE REAFFIRMED

Before any IBA approval is official, efforts will be made to have Secretary of the Treasury Henry H. Fowler reaffirm his public commitment of last June 16 to a group of state legislative leaders that "no one will be misled into thinking that we are launching an attack on the basic interest exemptions for state and local borrowings."

The IBA will also insist that its tax specialists review the proposed legislation before it is submitted to Congress.

Treasury tax officials have indicated a willingness to go along with the IBA conditions.

However, Government officials said that the entire program of corrective legislation is still in the early stages. None of the top policy-makers in the administration, including Mr. Fowler, have as yet approved any of the legislative drafts.

IN FORMATIVE STAGE

Moreover, the Treasury's legislative strategy is still in the formative stage. No decision has yet been reached as to introducing the tax-exempt reform bill as an independent measure, or to include it in the tax reform package which President Johnson promised to send to Congress in his January budget message.

The IBA's decision to reverse its long standing position was characterized by officials as "a course that entails the least dangerous of many risks."

While the investment dealers' organization has been steadfast for the past 16 years in its opposition to "abuses" of the tax exempt privilege, it has been inhibited in its corrective efforts, fearful that willingness to go along with statutory remedies might be, in effect, "a foot in the door to the total end of the tax-exempt concept."

Industry and Association leaders meeting at the Green Brier last week—and these include the senior executives of the more prominent commercial banks and investment houses, nationally—were unanimous in this conviction:

"ACCORD—OR ELSE"

Unless the investment banking industry and security issuers soon reach a sensible accord on an issue that most have consistently decried for years, the way will be opened to statutory restraints beyond any tolerable limits.

In short, IBA leaders and their constituents recognized the paradoxical box that now confines them. It was described as a clear case of "put up or shut up."

Either there is agreement to join forces with the Federal Government in its efforts to curtail alleged "abuses," or else repudiate all the critical preachments of the past 16 years—and thus take whatever consequences might result.

In its present draft form, the Treasury's restraining bill, while generally concise in its denial of the tax-exempt privilege to industrial aid bonds, is vague on the other two areas of alleged abuse—arbitrage and advance refundings.

Treasury officials say present provisions in the bill would deny advance refundings offered more than two years before the maturity date of the outstanding bond issue to be refunded.

NOVEL APPROACH

In respect to the arbitrage question, the Treasury has suggested a novel approach, which would work in this way:

Should a city or town decide to issue bonds for the purpose of profiting through the reinvestment of proceeds in higher yielding Government securities, the Treasury would cooperate by offering the refunding governmental body a "special Treasury issue," bearing an interest rate identical to the rate carried by the securities to be refunded.

This device, if adopted in statute, would have the effect of eliminating unjustified profits. It might tend to dissuade localities from refunding solely to enjoy arbitrage profits.

A formal resolution by the IBA Board of Governors of the Treasury's legislative plans will be withheld until all preliminary requirements have been satisfied.

These include approval of the final bill to be sent to Congress as well as public affirmation of Treasury intent not to intrude further on the concept of tax free financing by local governments.

IBA officials recognize that a Treasury commitment could conceivably be short-lived, enduring perhaps no longer than the present Secretary's tenure of office. Nonetheless, industry leaders are convinced that this concession to Treasury demands, as detailed last summer explicitly by Secretary Fowler, constitutes a "cure that will not be suicidal."

[From the Daily Bond Buyer, June 7, 1967]

STATUTORY IMMUNITY SPARKS MFOA CONTROVERSY—CAN STATES TAX INTEREST ON U.S. BONDS?

(By Paul Heffernan)

CHICAGO, June 6.—The issue of tax-free industrial aid financing touched off a night debate of unprecedented professional scope at the annual conference of the Municipal Finance Officers Association of the United States and Canada here this week.

As a result, the Association membership will be called on tomorrow to pass on a series of policy statements that in part reflect disagreement with the recent decision of the governors of the Investment Bankers Association of America to go along with Treasury-sponsored legislation that would disallow tax exemption on such bonds by classifying them as non-government bonds.

SCHANCK IN DEBATE

The night debate pitted Frank Schanck, the Bacon Whipple and Co. partner who is slated to be the next president of the IBA, against a battery of some of the nation's most prominent lawyers specializing in the accreditation of local government debt securities.

While expressing agreement in general with Mr. Schenck's position that the issuance of tax-free local government bonds by industry is an occasion for financial abuse the lawyers were as one in insisting that once the issuance of such securities has been authorized by state law or constitutional warrant and upheld in the courts of the issuing state "it is not the function of the lawyer to say—we disapprove."

The debate unfolded at a meeting of MFOA's Liaison committee to the IBA. The American Bar Association and The Municipal Forum of New York. Moderated by E. Lynn Crossley, city auditor of Dallas, Texas, the meeting disposed of the issue finally by

approving a four-point statement of policy proposed by George N. Shaw vice-president of Wainwright and Ramsey, Inc.

FOUR POLICY STATEMENTS

The Shaw proposals were formalized into four separate policy statements that are to be presented to the MFOA membership for a vote.

One proposal represents a formal dissent from the recent "broadening" of the IBA stand against the recent IBA endorsement of the Treasury's move to regard bonds issued by local governments to aid private industry or to earn market arbitrage profits as nonpublic securities and therefore non-tax-exempt.

Instead the MFOA membership will be asked to oppose "any incursion on the immunity from Federal taxation of state and local government obligations issued for any lawful purpose."

The other points of policy reaffirm the MFOA's opposition to the issuance of tax-free industrial aid bonds to aid private manufacturing businesses as well as opposition to local government financing operations intended to make market profits or carry out advance refundings for reasons other than disposing of unduly restrictive bond indentures.

DISSENT FROM IBA STAND

The attorneys who dissented from the IBA's recent acquiescence to the Treasury's newest position on industrial aid and arbitrage profit financing were Lorens F. Logan of Wood, King, Dawson and Logan; Frank E. Curley of Hawkins, Delafield and Wood, John T. Trimble of Nixon Mudge Rose Guthrie Alexander and Mitchell; A Bryce Huguenin of Dumas, Huguenin and Boothman; Robie L. Mitchell of Mitchell, Pershing, Shetterly and Mitchell; Leo A. McCarthy of Reed, Hoyt, Washburn and McCarthy; Daniel B. Goldberg, associate counsel, Port of New York Authority, and Edward Edelman, finance officer, Department of Health Education and Welfare, Washington, D.C.

The debate took a startling—if only momentary—twist when the question came up as to what might happen to the concept of the reciprocal tax immunity of the state and Federal governments if the Treasury should succeed in its present effort to disallow tax exemption to certain kinds of local government bonds.

Mr. Schanck insisted that "every new $100 million of industrial bonds sold is another nail in the coffin" of tax exemption for local government bonds.

STATES COULD RECIPROCATE

But Mr. Logan pointed out that if the reciprocal tax immunity betwen the state and Federal governments were to break down, local government would be a gainer as well as a loser. He pointed out that if the Federal Government could tax the bonds of the states and their subdivisions, the states in turn could tax the bonds of the Federal Government.

The states, Mr. Logan said, could call on the U.S. Government to give up its immunity through a constitutional amendment, "Once the states could tax the income on Federal Bonds," Mr. Logan said "they wouldn't have to go to Washington for financial handouts or be told how to use them."

An effort was made by Mr. Goldberg to have the liaison conference approve a policy statement endorsing the stand of the Advisory Commission on Intergovernmental Relations that tax-free industrial aid financing be restricted to proposals aimed at relieving unemployment or other special situations fraught with economic distress or other distressful local, economic problems.

TRIBUTE TO GENERAL WESTMORELAND

Mr. CANNON. Mr. President, recently the Nevada State Aerie, Fraternal Order of Eagles, forwarded to me a resolution, passed in a recent State convention, conveying the congratulations of their membership to Gen. William C. Westmoreland for the valiant efforts which he, his officers, and men are performing for all Americans in their very difficult position in Southeast Asia.

This venerable fraternal organization has called on all Americans to note the patriotic efforts of their countrymen, and to condemn the excesses and acts of violent exhibitionism expressed by a minority of Americans who seek to convey to the world that our efforts in Southeast Asia are beyond the pale of sound American foreign policy.

I ask unanimous consent that the resolution adopted recently in Lovelock, Nev., by the Fraternal Order of Eagles and forwarded to me by State Secretary Edwin Johnson, be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 8

Congratulations to General William C. Westmoreland, his staff and men under his command from the Nevada State Aerie of the Fraternal Order of Eagles.

Whereas: General W. C. Westmoreland has most effectively made clear his feelings concerning some of the unpatriotic acts, which have been taking place in our country.

Whereas: Let it be known to all parties concerned that these acts of violence against the symbols and the principles which made this country the strongest compassionate power in history, are in no way condoned by the Fraternal Order of Eagles or any true American.

Be it resolved: it is very comforting indeed to know that you are being backed up by the people you are defending. So this vote of confidence and support will be ended by saying "Continue with the same vigor over there and We Americans shall defeat the cancerous enemy at Home.

Be it further resolved: That the State Aerie Secretary send a copy of this resolution to General William C. Westmoreland, and to the Grand Secretary of the Fraternal Order of Eagles, to be presented at the Grand Aerie Session.

This resolution was accepted May 5, 1967, Lovelock, Nev.

HAROLD B. MILLER,
Chairman.
CHARLES C. STANLEY,
RAY O. JOHNSON.

CONCERN OVER THE DOMESTIC SILVER SITUATION

Mr. CANNON. Mr. President, the dramatic events affecting the silver price on the domestic and world markets have been much in the news of late.

Our Treasury Department is making a desperate, last-minute attempt to bring a sense of calm to the situation, but, unfortunately, the silver traders sense that we are in a buyers' market and faced with a diminishing supply and rising consumption, the speculators are making the most out of this long-awaited and predictable opportunity for profit.

I am not concerned with the daily fluctuations of the price of silver, but I am concerned with the future as it affects the position of the United States relative to this highly important and strategic metal.

It seems frighteningly clear to me that within a year we will be sorely pressed to meet our national defense needs for silver in this country. Already my colleagues have reported to the Senate that silver produced in this country is bringing a price not of $1.29 per ounce, but $1.71½ on the foreign market. Canada has viewed this situation seriously enough to restrict the amount of silver leaving that country, and requires that export permits be issued for the outgoing flow.

I have waited in vain for some realistic program that might be advanced by our Treasury Department. Unfortunately, the administration seems not yet ready to take steps to conserve our diminishing supply and provide for the needs of the future through industry incentives and other inducements which would encourage producers.

We face a ludicrous position in which the have-not nations of the world will not even expend their hoarded silver for desperately needed foodstuffs. They will trade on credit but will not relinquish an ounce of their silver. All the while our policy proceeds along blindly, geared to the bygone era when the silver supply was inexhaustible.

So, I take this opportunity to remind my colleagues, and the Treasury Department, that time is running out for any and all corrective measures. Steps must be taken now to build a strategic silver stockpile in this country to meet our defense needs and to provide for our future requirements.

INCREASED SOCIAL SECURITY BENEFITS

Mr. BROOKE. Mr. President, it is an honor for me to present, on behalf of myself and the senior Senator from Massachusetts [Mr. KENNEDY], a resolution adopted by the Massachusetts House of Representatives.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS
RESOLUTIONS

Resolutions memorializing Congress to enact legislation increasing social security benefits

Whereas, In the United States of America, a land of plenty, our Nation owes a debt of gratitude to our senior citizens, who have labored in the vineyard and are now enjoying a well deserved retirement; and

Whereas, Because of the high cost of living many of our elderly, living on social security benefits, are denied many of the necessities of life; and

Whereas, President Lyndon B. Johnson recognizing this problem has recommended an amendment to the social security law, providing for an increase in benefits, which increase would help to alleviate the cost of living burden of our elderly depending on such benefits; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to enact legislation as proposed by President Johnson providing for an increase in social security benefits; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

House of Representatives, adopted, June 1, 1967.

WILLIAM C. MAIERS,
Clerk.

GENERAL HESTER ON THE WAR IN VIETNAM

Mr. HARTKE. Mr. President, a great deal of attention has been given in various quarters to the speech by Gen. David Shoup, the retired Commandant of our Marine Corps, in which he expressed himself most vigorously on our Vietnam policy—a speech which appeared in the CONGRESSIONAL RECORD at my request on February 20, 1967.

General Shoup is not the only military man who questions our involvement there. Another is Brig. Gen. Hugh B. Hester, U.S. Army, retired, whose service goes back to World War I, in which he was decorated for gallantry in action by both the French and United States Governments. He was also decorated in World War II with the Distinguished Service Medal and the French Legion of Honor, retiring in 1951. Since that time he has devoted his efforts primarily to lecturing and teaching in the field of international relations.

The Eagle's Eye is a small monthly publication which for the last 4 years has been produced in Noblesville, Ind., by the Aquola Press, and for which General Hester, as a friend of the editor, Melford Pearson, has written on various occasions. The April 1967 issue contains an article in which General Hester discusses his dissenting view on our Vietnam policy in very positive terms, warning that if the war is not halted we face the "supreme disaster of world war III" if our actions lead to drawing China into military effort against what he viewed as U.S. "aggression."

Mr. President, I ask unanimous consent that this article may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOP JOHNSON'S WAR OF AGGRESSION NOW OR FACE SUPREME DISASTER OF WW III

(By Hugh B. Hester)

Contrary to official propaganda and that of the traditionally conservative U.S. mass information media, Mr. Johnson failed, in his recent Ho Chi Minh letter to offer suitable terms for peace negotiations. For example, the President did not propose a cease-fire for all of Vietnam, he did not offer to stop U.S. military aid and that of his foreign satellites to the Saigon quislings, or promise to remove U.S. and foreign satellite bases and forces from southeast Asia. Instead, he merely promised to stop bombing North Vietnam if and when he felt assured that the North Vietnamese had ceased all aid to the National Liberation Front (Viet Cong).

Naturally, Ho Chi Minh and his colleagues could not accept these terms. To have done so would have meant the unconditional surrender of the Vietnamese struggle for freedom and independence from foreign rule which has been going on for more than a 100 years: First, against Colonial France, then against Imperialist Japan, Colonial France again and now Imperial Washington. Furthermore, acceptance of Mr. Johnson's terms would have meant the betrayal of the Vietnamese, living and dead, who have fought for freedom and independence over the past century.

In refusing to report truthfully the above deficiencies in the Johnson letter to Ho Chi Minh, the mass information media signally failed to properly inform the people on this vital subject. Accurate and adequate reporting of vital information to the people in a *free society* is the *first responsibility* of the mass information media. Another example of mass information media failure to properly inform the people of the U.S. was and is its refusal to identify those responsible for the war in Vietnam.

The *Johnson administration*, not the *North Vietnamese government*, is the *aggressor* in Vietnam. According to Senator Gruening and Morse and many other distinguished statesmen and scholars, the Eisenhower administration, under the direction of the late John Foster Dulles and through its appointed puppet, Ngo Dinh Diem, invited itself to intervene in Vietnam. Even before this, however, the Truman administration had involved the U.S. Government in Vietnam by financing 80% of the cost of the French colonial war against the French Indo-Chinese people, 1945–1954. And this clearly makes a mockery of Mr. Johnson's claim that his administration is fighting for the freedom and independence of the Vietnamese people.

No group representative of the Vietnamese people, north or south, has ever asked any U.S. administration to intervene in Vietnam despite the massive propaganda to the contrary. Robert Scheer and Walter Hinckle make this quite clear in a scholarly and thoroughly documented article, *The Vietnam Lobby, July, 1965* issue Ramparts magazine. And the Johnson claim that the Eisenhower administration made a *bona fide* military commitment to the Saigon quislings is also apparently false. According to the NEW YORK TIMES, August 18th, 1965, the General denied he was even talking about military aid.

Nevertheless and most unfortunately, successive U.S. administrations since WW II, through manipulation, intrigue and deception, have succeeded in involving the people of the United States in a bitter, cruel and disastrous war against the Vietnamese people (See Senator J. W. Fulbright's recent book, *The Arrogance of Power*, a Random House publication). The net result of these machinations, carefully concealed from the American people, is that the Johnson administration must, if it really wants to make peace, repudiate the Hitler-loving General Ky and Co. (Really a fig-leaf to hide its own nakedness.) It must agree to a cease-fire for all of Vietnam; it must arrange, preferably through an international conference, to withdraw its military forces, those of its foreign satellites; and abandon all foreign bases in the area. And it must do these things soon, or fight China and probably the other socialist states, including the Soviet Union.

President Johnson must not, under any circumstances, be permitted to repeat the errors of General MacArthur in Korea. Yet, the propaganda attempt of his administration, the War Hawks and the generally pliant mass information media to prove that China is currently involved in a disastrous civil war suggests that he may be planning to follow the General's course. Information from China and other reliable sources convinces me that the Chinese Cultural Revolution is not even remotely related to civil wars typical of the West. There has been little physical violence and Mao Tse-tung's popularity and prestige have increased.

The Chinese Cultural Revolution, according to my research, has two immediate and primary purposes. The first is to remove from positions of power and influence all known or suspected quislings. The second is to raise to the highest possible pitch the revolutionary spirit of the masses in order to withstand the staggering personnel and material losses if and when the war escalates into China. There is in addition, of course, the widely announced long-term purpose of preventing a return to capitalism.

The Cultural Revolution in China, according to this analysis, is not a weakening process, as U.S. propaganda claims, but a cleansing, revitalizing and strengthening process. The above are, I am convinced, the real purposes of the cultural revolution. And my studies indicate that these purposes are already being achieved. China's 700 million people will therefore fight, as Walter Lippmann has repeatedly pointed out, before they will permit North Vietnam, a core interest of China, to be destroyed. They fought when much weaker to defend China's core interest in North Korea, 1950–53. And they will, I believe, fight even harder to defend North Vietnam.

The tragedy of war with China can, I believe, be avoided along with the even greater probable tragedy of WW III. To avoid this war, however, the war in Vietnam must be ended promptly and without a U.S. military victory. The United States Congress can, and should, end it by refusing to appropriate additional funds, by revoking those already appropriated and by abolishing military conscription now. But the Congress will not do these necessary things unless a massive and thoroughly aroused public, actively and militantly, demand them. And the public will not actively and militantly demand an end to the illegal, immoral and genocidal war of the Johnson Administration unless the mass information media accurately and adequately report the facts.

I am under no illusion that these things will be easy to achieve, but there is, I am convinced, no shortage of real patriots in the United States. Unfortunately, they have too long permitted what Senator Fulbright calls the "Patrioteers" to push them aside. As a result the former world image of the United States as a decent, moral and peaceful nation has been largely destroyed by the continuous efforts of the U.S. power elite since WW II to rule the world (See Gar Alperovitz's book, *Atomic Diplomacy: Hiroshima and Potsdam*, a Simon and Schuster publication.)

The Johnson aggression in Vietnam is merely the latest, the most cruel and cowardly manifestation of this global grab for power It is therefore at least as important, it seems to me, that the Johnson aggression in Vietnam fail as it was that the Hitler aggression in Europe fail. For a successful Fascist America—and certainly a series of successful aggressions such as the recent one in the Dominican Republic will make her a Fascist state—will have the power to destroy the world and therefore pose a greater threat to man's survival than a successful Nazi Germany, which did not possess this dreadful power, would have proved.

This is why I believe it is imperative that the people of the United States stop the Johnson war of aggression in Vietnam now, before a military victory in Vietnam can become fixed Johnson policy.

RECESS TO 10 A.M. MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock Monday morning next.

The motion was agreed to; and (at 6 o'clock and 53 minutes p.m.) the Senate recessed until Monday, June 19, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16 (legislative day of June 12), 1967:

DEPARTMENT OF JUSTICE

Warren M. Christopher, of California, to be Deputy Attorney General, vice Ramsey Clark.

U.S. MARSHAL

Frank Udoff, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years (reappointment).

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 16, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Hear, O Lord, when I cry with my voice: have mercy upon me and answer me.—Psalm 27: 7.

O God, our Father, who art from everlasting to everlasting, strengthen us and steady us in this shaken world. Though circumstances change, help us to keep our hands in Thine, and our faith in Thee firm with a deepening trust and a growing confidence.

Deliver us from small concerns about ourselves, from majoring in minors, from being torn by trifles, and help us to think great thoughts, to act from great motives, and to live by great deeds. Thus may we continue to keep our Nation great in might and in spirit.

We wait upon Thee for the benediction of Thy grace to free us from fear and futility, to quicken our spiritual life, to exalt our hopes for our country, and to deepen our faith in righteousness, good will, and peace.

In all things keep us close to Thee. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1577. An act to complement the Vienna Convention on Diplomatic Relations.

PERSONAL ANNOUNCEMENT

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, since the Members of the House were denied the opportunity of having their votes recorded when final action was taken on House Joint Resolution 559 yesterday, I am taking this opportunity to announce and to have it appear in the RECORD, so that there will be no question about what my position was on this legislation, that I voted against the Pepper amendment, because I thought it was a dilatory act, avoiding responsibility, and designed to postpone a responsibility we should be facing up to. I voted in favor of recommitting the bill. Then I voted against the final passage of the joint resolution. Of course, these were all voice votes, and unfortunately the RECORD does not show even the number who stood, indicating their support for a recorded vote. Just another instance where the RECORD fails to reflect the true record of what transpires on the floor of the House.

May I also add it is difficult for me to understand why so many Members appear so anxious to avoid being recorded on legislation involving principles which were so vigorously debated for 2 days and yet appear to be anxious to be recorded on noncontroversial issues, such as the Defense Department appropriation bill, also passed this week, with only one dissenting vote.

NASA AND THE MILITARY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I have been greatly concerned about a proper definition of programs and benefits by the space agency so that intelligent decisions may be made concerning national space objectives. Of particular interest is the issue of military considerations and possible application of NASA's efforts and expenditures to the national defense. This issue has been raised by NASA on several occasions.

On April 19, for example, while making a case for the immediate production of flight hardware for the Nerva nuclear rocket engine, Dr. Adams told the Advanced Research and Technology Subcommittee:

In addition, of course, this rocket will have other applications as well. We do know something about what the Soviets are doing and it is unfortunate we can't discuss that part of it here . . . because of the classified nature.

On April 5, James Webb said in a nationwide TV interview:

We wanted a complex that included Huntsville, the assembly plant at New Orleans, the Mississippi test, the Houston spacecraft and the Cape for the launching site. We wanted this complex so that if we ever had to fly big military payloads on these big boosters here was an integrated system and the industrial system in the country could flow the materials toward this system.

In line with my concern, I directed a letter to the Secretary of Defense on May 18 asking for a statement of his Department's position on the military significance of NASA's space program. I received a reply of May 31.

Regarding the Nerva nuclear rocket engine, the Defense Department letter, signed by the Director of Defense Research and Engineering said:

The Department of Defense has no identifiable requirement currently or in the foreseeable future for such a nuclear rocket engine.

The letter later said:

The majority of industrial facilities and government installations which support the Department of Defense space activities also support the NASA space program. I do not believe that any special network of NASA space installations is necessary to assure that industrial input will flow with ease from all portions of the country into such plants in the event of large scale military operations.

Again the Department of Defense offered:

I feel that the main contribution of NASA's space program to Defense is in the technology being developed rather than in major items of hardware.

And finally:

The DOD ballistic systems and technology programs, which have contributed heavily to NASA's space effort in the past, are expected to provide technology advancements of value to NASA in the future, particularly in such areas as guidance and control, upper stage propulsion, and reentry materials.

In the event that various Members of Congress may be considering NASA's potential military significance as relevant to their evaluation of NASA's budget requests, I thought it appropriate that I release both the text of the letter I received from the Department of Defense and my own letter of inquiry.

The full texts of both letters follow:

MAY 18, 1967.

HON. ROBERT S. MCNAMARA,
Secretary, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: There have been several recent references to the possible military significance of NASA's space program.

Two points are most prominently mentioned: (1) That military (classified) considerations lend urgency to the immediate production of NERVA engine flight hardware for testing, and (2) that it is desirable to have a network of space installation across the country so that in the event of large scale military operations, industrial input could flow with ease from all portions of the country into NASA's plants.

I specify these points, but I am also interested in the Department of Defense position toward the entire concept of NASA's military importance, if any. It would be useful to consider separately such questions as surveillance and weaponry, as well as to have an overall view of NASA's actual impact on our defenses.

I will be most grateful for your assistance in spelling out your Department's position on these matters at the earliest possible time.

With best regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, D.C., May 31, 1967.

HON. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: The Secretary of Defense has asked that I reply to your letter dated May 18, 1967, in which you request the Department of Defense position relative to certain aspects of NASA's space program.

The first point you mention relates to the need for the NERVA engine for military purposes. The Department of Defense has no identifiable requirement currently or in the foreseeable future for such a nuclear rocket engine. We will, of course, continue to examine the technology developed under NASA's nuclear engine program for possible military application.

In regard to your second point, we do of

course have a substantial industrial base which currently supports our Defense efforts. Our military space systems are an integral part of our national defense posture. The majority of industrial facilities and government installations which support the Department of Defense space activities also support the NASA space program. I do not believe that any special network of NASA space installations is necessary to assure that industrial input will flow with ease from all portions of the country into such plants in event of large scale military operations. Should the need arise, the flow you suggest can readily occur within our present industrial structure.

I feel that the main contribution of NASA's space program to Defense is in the technology being developed rather than in major items of hardware. I believe that NASA's research and technology programs contribute substantially to the nation's industrial capability. The Department of Defense of course draws on this capability to provide more effective space systems to enhance our military capability. Technology contributions from NASA programs in areas such as spacecraft power supply, life support, and attitude reference and control subsystems, for example, have been utilized in DOD space systems.

Questions of surveillance and weaponry are military in nature. While much of the basic spacecraft technology developed by NASA could contribute to a space surveillance system, the contribution to a ballistic missile capability would be substantially less. In fact, the DOD ballistic systems and technology programs, which have contributed heavily to NASA's space effort in the past, are expected to provide technology advancements of value to NASA in the future, particularly in such areas as guidance and control, upper stage propulsion, and reentry materials.

I sincerely hope that these comments will be of assistance to you.

Sincerely yours,

JOHN S. FOSTER, Jr.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip as to the program for the rest of this week and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, it is my intention after announcing the program and after 1-minute speeches and the other unanimous-consent requests, to ask unanimous consent that the Speaker be allowed to declare a recess today pending the action of the other body with respect to the joint resolution which we adopted on yesterday. That is the balance of the program for this week. There is nothing else scheduled.

For next week, Monday we will have the Consent Calendar. Also we will have five suspensions. They are:

H.R. 611, to establish a Federal Judicial Center;

H.R. 10730, Older Americans Act Amendments of 1967;

House Joint Resolution 601, temporary extension of emergency provisions of urban mass transportation program;

H.R. 480, extending the act relating to the acquisition of wet lands for conservation of migratory waterfowl; and

H.R. 482, authorizing an increase in fee for migratory bird hunting stamp.

On Tuesday we will have the Private Calendar, which is to be followed by the conference report on the draft bill, S. 1432, extension of Universal Military Training and Service Act. This will be followed by H.R. 10480, to prohibit desecration of the flag, which will be heard under an open rule with 2 hours of debate. This will be followed by H.R. 2082, to authorize travel, transportation, and education allowances to members of Armed Forces for dependent schooling, with 1 hour of debate and an open rule.

On Wednesday we have the increase in the public debt limit. This is subject to a rule being granted and a report being filed.

On Thursday we have H.R. 10340, the NASA Authorization Act of 1968, which is also subject to a rule being granted.

The gentleman from Maryland [Mr. FRIEDEL] tells me that there are several resolutions from the Committee on House Administration of a noncontroversial nature which he hopes to bring up on Monday or Tuesday.

Also, this announcement is made with the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Can the gentleman from Louisiana inform the Members what the situation may be as far as a session tomorrow is concerned?

Mr. BOGGS. I can only speculate. My guess is that there will not be a session tomorrow, but as of now we are unaware as to whether or not the other body will request a conference on the resolution we passed only yesterday. Of course, it is conceivable that they could request a conference and conferees could be appointed and the conferees could meet and the conference report might be available by tomorrow. My own guess is that will not be the case.

Mr. GERALD R. FORD. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MAKING IT IN ORDER FOR THE SPEAKER TO DECLARE A RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess, subject to the call of the Chair, at any time today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANTIRIOT LEGISLATION

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GURNEY. Mr. Speaker, today I am joining with several of my colleagues in introducing a resolution calling for action on the antiriot bill. This legislation was passed in the form of an amendment to the civil rights bill last year by a vote of 389 to 25 in this body. Yet the Judiciary Committee has not acted upon the legislation.

Warnings of "a long hot summer" spread across the land, and already we have seen violence in three of our cities. While the antiriot legislation does not pretend to be the cure for all violence in our streets, it does outlaw professional agitators who move from place to place inciting riots and disturbances.

The people of this country want and desire relief from the fear that lives in the streets of our cities, both North and South. They want and desire agitators like Stokely Carmichael, to be dealt with promptly and firmly.

Through the antiriot legislation, investigative authority would cross State lines, and the power to prevent violence and destruction would not be confined to State and local authorities. Most essential, it would allow the Nation to deal with what is a national problem, not just the affair of one State or city. The actions of the professional riot inciters threaten the life and property and rights of every American, whether he lives in the largest city or the quietest small town. None of us is safe.

I feel, Mr. Speaker, that this House has a responsibility here and that we have been prevented from fulfilling it. We should now have the opportunity to consider this legislation on its own merits, which are many, and show the Nation that we are not afraid to stand up to the people who advocate and work for the destruction of our homes, businesses, and lives through violence in our streets.

I urge the adoption of the resolution calling for House action on the antiriot bill.

GALLANT ISRAEL

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. RYAN] is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, today there is a frail and tenuous armistice in the Middle East. Having achieved a spectacular military victory, Israel has good cause to fear that she may lose the peace.

The recent hostilities against Israel were the latest in the past 20 years

during which the Arab nations have considered themselves in a state of permanent war against Israel. Three times since her difficult birth in 1948, Israel has shown the ability in such circumstances to repulse aggressive incursions, as she did so heroically last week.

Israel has neither the means nor the will to destroy her Arab neighbors. One need only speculate in horror about what might have occurred had the military balance tilted the other way. Israel's strength and determination saved the situation. Now an enduring peace must be constructed.

The Arab States believe that the longer they delay meaningful negotiations, the greater will become the pressure for Israel to accept something close to the status quo ante. In 1956 Israel bowed to diplomatic pressure in exchange for promised diplomatic guarantees and returned to her 1949 frontiers, only to have the use of the Suez Canal denied to her, border harassment continue, and finally, when Nasser felt strong enough, the Gulf of Aqaba blocked and the call of "holy war" raised against her.

The gallant nation of Israel must never be so threatened again.

The United States, as a world power and as a friend of Israel, has a historic opportunity to use its influence toward achieving a permanent settlement. We had this chance in 1949; we had it in 1957; if we pass it up in 1967, in all likelihood we shall be confronted with another Middle Eastern war in 1977, when resentments are deeper and weapons stronger.

In this era of cold war there have been too many armistice agreements and too few settlements.

Mr. Speaker, the proceedings of the United Nations during the past weeks were cause for grave disappointment. The U.N. emergency force was withdrawn from the Gaza strip and Sharm el-Sheikh without consultation and with most serious consequences. The Security Council debates consisted of the hurling of charges and countercharges, the venting of anger, with little cooperative diplomacy.

Nevertheless, let us not forget that the existence of the United Nations provided the vehicle for an early cease-fire, that Syrian and Israel commanders came to agreement in United Nations headquarters in Quineitera, and that in this atmosphere of mutual hostility and suspicion the United Nations aegis still offers a hope for the initiation of direct negotiations.

This crisis has again demonstrated that the United Nations cannot play a useful role unless it is supported by the great powers.

Mr. Speaker, the Soviet Union must be made to realize that a settlement in the Middle East is in the Soviet interest as well as in the interest of world peace. The Soviets made a grave tactical and diplomatic blunder when they encouraged Nasser's designs. It is deplorable that the Soviets have continued on a dangerous course, risking a wider war. They must cease to supply arms to the Arab nations.

If a stable and peaceful Middle East is in the interest of ourselves and the Soviet Union, it is certainly in the interest of the principals. Political hatreds have obstructed the peaceful development of the waters of the Jordan. A million Arabs are in a state of semipermanent homelessness and hopelessness because of political hatreds. Poor countries have had to devote a burdensome portion of their resources to armaments, and each spiral of armaments has generated a new cycle of hatreds.

Mr. Speaker, since the partition agreement of 1947, Israel has been encircled by hostile neighbors.

Her fighting spirit has been forged through 20 years of a continuing struggle for survival as she has been subjected to a steady campaign against her very existence. The Arab States have done everything in their power militarily, politically, and diplomatically to destroy Israel. In defiance of international treaty obligations and of the Security Council resolution of 1951, Israel shipping has been denied the use of the Suez Canal; Arab States boycott companies which do business with Israel and ships which call at Israel ports. For 20 years Israel has lived with commando raids and terrorists acts knowing that only her strength prevented her destruction.

The Arab States are so bent on destroying Israel that they have even undertaken acts contrary to their own self-interest.

One and three-tenths million refugees are deliberately kept in a state of degradation and agitation because of the promise that they will one day return to Palestine. To the half million who have never seen Israel, home is the refugee camp; and resettlement is not accomplished. Refugee commando groups, such as the "Palestine Liberation Army," have been created.

In 1955 a plan to develop cooperatively the waters of the Jordan, which was agreed to by Israel and Arab technicians, was rejected by the Arab governments, only to spite Israel. In 1964 an Arab summit meeting sought to divert the Jordan, which would have retarded both Israeli and Arab development.

Mr. Speaker, if the hatreds, resentments, terrorism, and acts of both economic and military warfare of the past 20 years are to cease once and for all, then there must be direct negotiations between the Arab States and Israel. The details of a settlement are the responsibility of the parties, but the United States would be abdicating its responsibility if it did not use its influence to encouraging negotiations to begin.

As long as Israel feels that maintenance of her present positions is essential to her security, it is not reasonable to expect Israel to relinquish whatever territory she occupied at the time of the cease-fire until a peace settlement is achieved.

In order to achieve a just and enduring peace in the Middle East, there are certain objectives which must be met.

The most fundamental, and the key to any settlement, is the acceptance by the Arab nations of the reality of the existence of Israel. As Abba Eban said before the United Nations on June 6:

> The first of these principles surely must be the acceptance of Israel's Statehood and the total elimination of the fiction of its nonexistence. It would seem to me that after 3,000 years the time has arrived to accept Israel's nationhood as a fact. Here is the only State in the international community which has the same territory, speaks the same language and upholds the same faith as it did 3,000 years ago.
>
> A much more conscious and uninhibited acceptance of Israel's Statehood is an axiom requiring no demonstration. There will never be a Middle East without an independent and sovereign State of Israel in its midst.

Second, Israel must have access to international waterways. The closing of the Gulf of Aqaba was the act of aggression which precipitated the recent conflict. The right of innocent passage through the Strait of Tiran must be maintained. Also Israel must not be denied free transit through the Suez Canal. The right to use the Suez was guaranteed to Israel long ago, yet the promises have not been carried out. There must be an end to blockades and boycotts which interfere with peaceful commerce.

A peace settlement must guarantee the borders of Israel so that Israel will no longer be confronted with the infiltration of commandos, the shelling of settlements and the massing of invasion forces. The United States, the Soviet Union, and other nations must help both within and without the United Nations to guarantee the territorial integrity of Israel.

The Arab refugee question has persisted for years. Now is the time to resolve it. In the past Israel has offered compensation, but the Arab States have preferred to keep the refugee camps as a political issue rather than absorbing the refugees into the local economy. The United States, which has contributed the most to UNRRA, should insist that an effective plan be formulated for resettlement and compensation.

Mr. Speaker, the opportunity is at hand to resolve the problems which have festered for so long and to achieve lasting stability in the Middle East. This will require an end to the arms race and the concomitant tensions to which the Soviets have constantly contributed. It will require the cooperation of the great powers. It will require a long-range economic development concept for the entire region. In the final analysis, it will require a willingness on the part of the Arab States to live in peace—and that is all that Israel has ever asked—the right to live in peace. If the severe suffering and deprivation of the past 20 years is to be overcome, then this historic opportunity for a lasting peace must not be allowed to escape us.

APPOINTMENT OF CONFEREES TO S. 953, AMENDING FOOD STAMP ACT OF 1964

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 953), an act to amend the Food Stamp Act of 1964, with amendments of the House thereto, insist on the House amendments and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. POAGE, GATHINGS, STUBBLEFIELD, BELCHER, and TEAGUE of California.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION: AN AWARD FOR THE WORST ADMINISTERED FEDERAL AGENCY OF FISCAL YEAR 1967?

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend his remarks in the body of the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, on April 25 and 26 of this year, the Subcommittee on Rivers and Harbors of the House Committee on Public Works, the committee on which I have the privilege of serving as the ranking minority member, held hearings on the progress of the Federal water pollution control program and its administration or lack thereof by the Federal Water Pollution Control Administration—FWPCA—an agency established in the Water Quality Act of 1965 within the Department of Health, Education, and Welfare—HEW—which agency was then abruptly transferred to the Department of the Interior by the President's Reorganization Plan No. 2 of 1966.

The Federal water pollution control program, those who favored the reorganization argued, had been plagued for some time by the lack of priority given to it within the Public Health Service. The 1965 act established the FWPCA as a separate agency within the Department of Health, Education, and Welfare to give it the organizational status which the committee and the Congress felt were required to effectively carry out the important Federal water pollution control effort.

But without even consulting the members of the committee which has legislative jurisdiction over this all-important program, the President of the United States shot up to Congress a reorganization plan, Reorganization Plan No. 2 of 1966, which, when effectuated, transferred the FWPCA from HEW to Interior.

During consideration in Congress of that reorganization plan, I and many other Members of Congress expressed serious concern over the possible effects this transfer could have on the overall administration of the program. We had thought, in setting up the FWPCA in the 1965 act, that everything was all right and that the program could then be administered smoothly and with adequate organizational status. Yet the President was determined to have still another agency-shaking transfer, and the reorganization plan was put into effect. This was done despite our cries that the FWPCA was going to lose competent personnel in this field where competent personnel is hard to come by. But "Oh, no!", said the administration spokesmen. We were assured by them in testimony before a subcommittee of the House Committee on Government Operations that everything was going to be rosy with the transfer, and that no one in FWPCA was discontent with the transfer, that the program would suffer absolutely no loss in effectiveness or efficiency.

Mr. Speaker, the testimony presented by the administration witnesses before the Subcommittee on Rivers and Harbors several weeks ago in response to inquiries by the subcommittee members surely reveals that the administration of this program is suffering—and suffering very badly. Some 60 percent of the PHS personnel are no longer with the agency.

In my seven terms in Congress and on the Committee on Public Works, I have never known of a Federal program of such importance as this one, and in which the administration has pushed so hard for "emergency" congressional increased authorization, being so badly administered. Perhaps it is not so much that the FWPCA heirarchy is badly administering the program as it is that they just are not administering period. It goes far beyond the shakeup which can naturally be expected by transferring an agency from one department to another. It is something much more than this.

Mr. Speaker, I say to the Congress that has acted decisively on Federal water pollution control legislation on many occasions that something is very, very wrong with the administration of this program, and I am not alone in this opinion. I believe I am joined in it by many of my colleagues on the committee and in the Congress, by countless State and local administrators, by engineering consultants in this complex field, and even by publications which concern themselves with water resources management.

On April 27, I inserted in the RECORD, on pages 11107–11108 thereof, an article from the December 8, 1966, issue of the Engineering News-Record, a most respected professional publication. That article showed the gross inefficiency in the administration of the program, in the area of construction of sewage treatment works.

Mr. Speaker, May 10 marked the anniversary of the effectuation of the transfer required by Reorganization Plan No. 2 of 1966. There were not any celebrations in the Nation that day on the effectiveness of FWPCA's first year under Interior. In my opinion, the progress of the program under FWPCA is little further along today than it was when reorganized last year. The agency itself is more poorly staffed and more organized than it was on May 10, 1966.

The hearings before the Subcommittee on Rivers and Harbors bear out everything that I am saying here today.

To further point out my contentions here today, Mr. Speaker, under unanimous consent, I include in my remarks at this point, an article from the Engineering News-Record of Thursday, May 4, entitled "Congress Ordered Fast Action, But—Pollution Agency Trickles Along." This article well points out the sorry state of affairs down at FWPCA.

As the article's opening paragraph points out:

The Federal Water Pollution Control Administration (FWPCA) marks its first year in the Department of Interior next week, But in the words of one bitter official "there probably won't be a party because I doubt if we could organize one."

No one could have said it better than that, Mr. Speaker.

After asking for a $450 million authorization in fiscal year 1968 the President only required $2 million, giving it low priority, while increasing highway beautification from $80 million to $160 million, demonstration cities requested from about $100 to $615 million and OEO poverty by 25 percent.

This shows lack of reality in setting priorities.

This proves a downgrading of water pollution control.

This proves a downgrading of ongoing, proven, and necessary programs in order to finance new.

The article follows:

CONGRESS ORDERED FAST ACTION, BUT—POLLUTION AGENCY TRICKLES ALONG

The Federal Water Pollution Control Administration (FWPCA) marks its first year in the Department of Interior next week. But in the words of one bitter official "there probably won't be a party because I doubt if we could organize one."

Organization is a dirty word in the federal government's newest dirty water agency. Established by Congress 16 months ago as an arm of the U.S. Public Health Service in the Department of Health, Education and Welfare, FWPCA no sooner got its feet on the ground than it was shifted to Interior on May 10, 1966, under a presidential organization plan.

Secretary of Interior Stewart Udall predicted great things: "1966 will be the year of action in water pollution control."

But most of the action during the past year has centered on getting organized and helping the states get their water quality standards ready before the July 1 deadline. Many of the agency's other activities have suffered as a result.

Personnel is still one of the agency's biggest headaches. Of 326 commissioned PHS officers asked to make the transfer to Interior, 165 decided they'd rather fight than switch. The gap they left is not yet entirely filled.

The job of assistant commissioner for facilities, which carries the responsibility of the construction grants part of the program, is vacant. Mrs. Aleda Evans, former administrative assistant to FWPCA Commissioner Jame M. Quigley, is temporarily serving as legislative liaison officer.

About 22 of the 29 top men in FWPCA are still listed as acting assistant commissioner or division chief, because their jobs were reviewed and changed after the shift and, according to Quigley: "It took forever for us to write up the jobs and submit the new job descriptions to the Civil Service for approval."

With or without full job titles, many of the top officials may need a road map to find their way to work. The agency is perched in two buildings on Indiana Ave. and will probably need space in a third soon. The main building (called a fleatrap by one staff member and a firetrap by another) is a rented beehive of activity; maintenance men plane door bottoms so they clear the rugs; telephone men roam about to keep phones and moving staff members together.

The construction grants division is at full staff, but acting division chief Thomas Ferry wishes it wasn't. His section was slated to

have a roster of 195, but that was when the agency expected to have a total staff of 2,800. When Interior ordered a freeze at 2,100, he was told to level off at 165. Earl J. Anderson, acting assistant commissioner for technical programs admits his staff isn't organized and says he expects to replace lost PHS people "in about a year."

And FWPCA still hasn't cut the silver cord. HEW still handles money matters for FWPCA, on a contract basis.

THE VIEW FROM CAPITOL HILL

Meanwhile, member of Congress chafe at the delays in the program. Rep. John A. Blatnik (D., Minn.), the key figure in guiding federal pollution control bills through the House, gets a steady stream of letters from his constituents complaining about FWPCA's lack of action in controlling pollution.

"I thought it might take them a year to organize, but they should be doing something while they organize," says Blatnik. "It seems to me that the work is cut out for all of us and I don't think we're getting the job done. I don't feel that all systems are going. Despite unanimous congressional action, a mandate if there ever was one, we seem to be at a standstill."

Blatnik's major concern right now is FWPCA's construction grant budget. The Clean Waters Restoration Act of 1966 calls for $3.9 billion in construction grants for sewage treatment plants spread over a five-year period starting with $450 million in fiscal 1968 (beginning July 1). The President's 1968 budget asks for only $200 million for construction grants. This is an increase of $50 million over 1967, but less than half of what Congress authorized. Blatnik called hearings of the rivers and harbors subcommittee of the House Public Works Committee last week to find out why FWPCA is willing to settle for less money.

Under intense questioning, Udall, Quigley and Interior Assistant Secretary for Water Pollution Control Frank C. DiLuzio testified that the effect of the cut will be more psychological than real. The entire 1966 appropriation has not been spent yet (and will carry over into 1967), they said, and there has been a slowdown in sewage treatment plant construction in the last year.

DiLuzio said that he expects the slowdown to continue during the first half of fiscal 1968. Then the grant awards should increase during the last half "perhaps at a rate equivalent to an annual rate of $300 million to $350 million."

Blatnik says he will probably ask Congress to appropriate that amount for the program, instead of the $200 million the White House requested.

Quigley, in the unusual position of fighting for a budget cut for his agency, has "serious doubts and misgivings that if they give us an increase over $200 million, we can spend it."

SLOWING DOWN

Most FWPCA officials admit that there has been a slow-down in federally aided sewage treatment plant construction during the past year.

"I would be surprised if there was not a slowdown," says Quigley who blames local greediness. "Suppose a community wants to build a $10-million treatment plant. If they apply now and get the grant, the most they will get is the top limit provided by the Water Quality Act of 1965, $1.2 million. But if they wait until after July 1, they can get $3 million or 30% for the same plant."

Others, particularly state and local officials say the slowdown can be traced directly to the water quality standards every state has to submit before July 1.

The problem is twofold. First, some states had trouble staffing their own water pollution control agencies with persons qualified to write the standards. While the federal government complains that some PHS officers were lured away from FWPCA by their state and local counterparts, the states complain that there aren't enough high-caliber men to lure.

Many state and local officials also complain that they cannot get the FWPCA to answer their questions. A major cause of fuzziness is the standards the states must establish for streams after the streams have been classified according to use. The states have no idea what amounts of dissolved oxygen, what coliform counts, etc., FWPCA will accept for each classification of water use.

New York Gov. Nelson A. Rockefeller, appearing before the rivers and harbors subcommittee last week, cited his state's problems in communicating with FWPCA. Last November, New York submitted a proposed classification, standards and implementation plan for the state's portion of the Delaware River.

According to Rockefeller, the plan was submitted only to get some sort of reaction from FWPCA. "We just wanted to know if it was good or bad so we could take their comments and apply them to the rest of the interstate waters in New York," he said. "As of today, we have had no comments from them whatsoever on whether our criteria were good or bad."

Difficult standards—The problem of scientific standards is a big one and one that FWPCA was late starting on. According to Allan Hirsch, assistant commissioner for program plans and development, five national technical advisory committees, comprising 85 men, were organized last February. The committees will recommend appropriate scientific requirements for the various water classifications by July.

"It would have been great to have these committees organized and working a year ago," says Hirsch. "But getting 85 men together, setting up the committees and organizing the problem took time. In addition, our staff had to prepare something for the committees to work on. We couldn't have them sitting around a table staring at each other."

In the meantime, the states and regional FWPCA officials can make educated guesses, but until the committees report, no one really knows what standards are going to be acceptable.

Another problem contributing to the delay in standards-setting is the fact that all the water being classified is interstate. As Quigley says: "We can't pass judgment on one state's portion of a stream. We must know what other states up and downstream plan for the same water before we can approve or disapprove any plan. We are hard at work getting these states together."

FWPCA fully expects every state to have some sort of plan in the hopper by July 1, but that doesn't mean that work ends then. The standards still must be reviewed, and sent back to the states for more work if they are not approved.

With organizational problems and the standards to contend with, some of FWPCA's other activities have taken a beating:

Enforcement: A little over a year ago, Murray Stein (acting assistant commissioner for enforcement) and company were whipping around the country pouncing on local officials for allowing dirty water to exist in their rivers and lakes.

Since the shift to Interior, all has been relatively quiet on the enforcement front. Stein presided over four new enforcement hearings in the past year, but none involved a major stream or a large amount of cleanup money.

Officials admit that the enforcement team isn't making quite the splash it once did. Quigley says the agency is reluctant to be inconsistent by "on one hand urging states to set standards and on the other hand bringing in an enforcement team because they aren't living up to standards. We can't have it both ways."

Construction grants: The Construction Grants Handbook of Procedures, which will explain the new ins and outs of getting a grant from FWPCA, has not been completed. Construction grants chief Ferry says it will be finished in about a "month or so." Meanwhile, the HEW grants manual is still used, with some changes issued by phone and letter to update it.

When not working on the new handbook, Ferry worries about his staff. With only 165 men, he says his department has "lost some efficiency, is putting in some overtime without pay" and is "having problems keeping up with the inspections we make on construction projects financed by FWPCA."

He says the average 1.2 inspections per project per year has already caused trouble in at least one plant. (All plants must have a final inspection before FWPCA makes its final payment.) "This plant isn't operating properly," he says. "The effluent is not meeting standards. If we had inspected it sooner, perhaps we could have done something."

Many state officials, meanwhile, are losing some of the enthusiasm they felt when FWPCA was created and moved "out from under PHS." Says one disgruntled state man: "If we had not expected so much, we wouldn't be so disappointed now." Says another: "There was confusion before, and it's just as bad, or worse, now."

HIGHWAY BEAUTIFICATION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, I take this time for the purpose of making certain the record is clear on highway beautification.

There has been some suggestion in the press and otherwise that differences relating to the problems of highway beautification have been resolved so far as the administration is concerned and so far as some of the members of the other party are concerned.

There has been a lot of back-door maneuvering and a lot of conferences—and, of course, the minority have not been included in on those recent conferences between Secretary Boyd, of Transportation, and Mr. Bridwell, Highway Administrator, and others.

We held hearings before the Public Works Committee at which there appeared over 100 witnesses and almost 97 percent of them opposed the act or the manner in which this act was being administered today.

This matter has not been resolved so far as the minority is concerned. We negotiated on the staff level for some 6 weeks before the hearings but found the administration adamant in opposing any change in the act to make it either reasonable or workable. No change in the act is still its position.

Second. There has been too little attention given to the fact that this is a new program, not yet tooled up and not necessarily a high priority item of spending as compared to other needs in ongoing programs and when we now know

that next year's deficit could be as high as $29 billion—something has to be put on the shelf.

I suggest maybe that this is candidate No. 1.

Third. Little has been said with regard to title III which is nearly 65 percent of the cost of the total program which permits the purchase of all types of "beautification" off or outside the right-of-way. The underestimated cost of the minimal 10-year total program is $2.3 billion and the largest alternative program $4 billion. This $4 billion is exclusive of the "scenic roads and parkways" recommendations of the President's Council on Recreation and Natural Beauty dated December 3, 1966. Sixty-five percent of this is for title III.

I place in the RECORD, of recent date, a definition of what they intend to or what is qualified for purchase under title III. I repeat that definition as continued in the Bureau of Public Roads instruction manual to the States in estimating the cost of title III. That manual includes the following identification of such strips:

> Normally, any such strip would be expected to include or be outlined by some natural feature that would contribute to the general appearance of the highway or to the interest and natural scenic view of road users. Obvious cases would be a strip of sizeable timber or interesting natural shrubs, vines, etc., along the highway, a rockoutcropping, a lake, a valley or mountain of size and type to attract attention, a stream bed providing the attraction of flowing water in nearby view, or a pastoral scene looking out over a wide expanse of open land, likely in agricultural use, or a narrow land area between a highway and a water course or shore.

I would suggest to all Members that they should take a good look at this and see where 65 percent of this beautification money—$160 million in fiscal year 1968 and $220 million in fiscal year 1969—is likely to be spent: buying up beautiful lakes, mountains, pastoral scenes, sizable forest strips, rocky formations that look pretty, hillsides, and other "natural scenic views" off the right-of-way of any Federal-aid highway and see whether or not this is where the taxpayers money should be spent at this time. This is a necessary question when we are being asked to increase the national debt limit by $29 billion to $365 billion and when even highway construction was cut back by $1.3 billion under 1967 funded authorizations by Presidential order and when $575 million of that is still "frozen."

Spending "sanity," priority setting, even in time of war, where art thou?

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 24 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

ADJOURNMENT UNTIL MONDAY

The SPEAKER. The Chair recognizes the gentleman from California.

Mr. MOSS. Mr. Speaker, I would like to announce to the Members that the Speaker has been informed that no action will be taken in the other body, at least on tomorrow or over the weekend, and accordingly I would ask unanimous consent that when the House adjourn today it adjourn to meet again at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. DELLENBACK. Reserving the right to object, Mr. Speaker, I do so for the purpose of asking the gentleman to tell us about what is contemplated as to when we will adjourn and when we will reconvene.

Mr. MOSS. I would say to the gentleman we would adjourn today, to reconvene again on Monday at noon.

Mr. DELLENBACK. Is there any information the gentleman has as to any change in procedure from what the majority leadership indicated to us as to the program for next week?

Mr. MOSS. None whatsover.

Mr. DELLENBACK. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. JOELSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if there is definite assurance that there will be no railroad strike commencing at midnight Sunday?

Mr. MOSS. The gentleman can only give the gentleman the assurance which was read on the floor of this Chamber yesterday by the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. JOELSON. To the effect that so long as the matter is in conference there will be no strike?

Mr. MOSS. That is correct.

Mr. JOELSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, since the chairman of the Committee on Interstate and Foreign Commerce is here in the Chamber, I wonder if he would give the House what information he has that there will not be a strike? I would like to know what that assurance is if he could give it.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman.

Mr. STAGGERS. All I can say to the gentleman is that it is the assurance I gave the gentleman yesterday.

Mr. JONES of Missouri. I would say to the gentleman I am sorry that I did not hear that assurance. Who was the letter from that the gentleman read?

Mr. STAGGERS. It was from the Railway Labor Executives' Association, and it is contained in the RECORD of yesterday, saying that so long as there is a conference between the two Houses there would be no strike.

Mr. JONES of Missouri. Does the gentleman consider that we have a conference now?

Mr. STAGGERS. Do I consider that we have one now?

Mr. JONES of Missouri. Yes.

Mr. STAGGERS. There has not even been a request for one.

Mr. MOSS. Mr. Speaker, if I might reply in response to that question, we do not have a conference because the other body has not acted to request one.

Mr. JONES of Missouri. I understand that, and that is why I am asking if the leadership can give assurance there will be a conference? I want to know what other assurance the gentleman can give, and what authority does the person who wrote and signed the letter have?

We were led to believe that unless we acted on this resolution, there was going to be a strike, and now we find that there is something else going on.

Mr. STAGGERS. I believe the gentleman is perturbed unnecessarily. I do not believe there is any responsible body in this Nation—especially labor—that would make the assurance there would be no strike, and then go back on that assurance on Monday.

Mr. JONES of Missouri. I want to know who made it.

Mr. STAGGERS. As I told the gentleman, it was a letter from the Railway Labor Executives' Association, and signed by Mr. Don Beattie, the executive secretary of that association.

Mr. JONES of Missouri. In other words, the administration—the leadership here in the House—were misinformed yesterday when we were told that we had to have this legislation?

Mr. STAGGERS. No. They were not. They were not because this letter was produced and introduced into the RECORD late yesterday evening.

Mr. JONES of Missouri. What I am saying is, in other words, since this letter came, somebody changed their mind?

Mr. STAGGERS. No, I would not say that the situation was such that the unions were free to strike at 12:01 on Monday morning—or, that is, Sunday night. But they gave us the assurance, which they did here, that there would be no strike if the resolution should be amended as long as the conferees were in session and the leadership acted in good faith.

Mr. JONES of Missouri. But the conferees are not in conference and that is why I am asking these questions. In other words, the thing is that we may have a situation where conferees will never be appointed and we may go on indefinitely, or until the unions forced the Government to seize the railroads.

I would like to know who is running this country—whether it is the railroads or the labor unions or whether it is the administration or the leadership in this House? I, for one, do not like the idea of labor leaders in this country telling the Congress of the United States and the President what they can or cannot do. I withdraw my reservation.

Mr. LENNON. Mr. Speaker, further reserving the right to object, I would be grateful to the distinguished chairman of the Committee on Interstate and Foreign Commerce if he would answer this question. He read a letter here yesterday in which he gave assurance to the Congress that if the bill was amended, as it was, and if it went to conference, as long as it was in conference they would protect—well, the transportation system you might say, and the integrity of the Congress you might say, by not striking.

Is the gentleman telling us now that he is broadening the terms and the language of that letter to assure the Congress, in spite of the specific language of the letter—is he assuring us that there will be no strike—if conferees are actually not appointed and in being—is he telling us now that we can be assured through his connection with the organized labor movement in this particular fight with the management of the railroads that there will be no strike, although there is no conference, and we do not know whether this matter will ever go to conference?

Mr. STAGGERS. I would like to answer that statement.

If the gentleman is reading that letter now, let him make his own decision what it says.

I am not going to make any statement as to what labor is going to do for 1 minute—or that I am their representative any more than I am a management representative.

I do not want anyone to read into my words anything except what is in this letter. I will read the letter and then the gentleman can make his own decision.

Mr. LENNON. That is very helpful and I thank the gentleman.

Mr. STAGGERS. I will tell the gentleman where it is.

It is on page 15906 of the CONGRESSIONAL RECORD and the gentleman can read this if he wishes to—because I am sorry, I cannot read it without my glasses.

Mr. MOSS. Mr. Speaker, will the gentleman yield to me and I will be pleased to read the letter to the Members of the House.

Mr. LENNON. I yield and I thank the gentleman very much.

Mr. MOSS. As the gentleman stated, this letter is to be found on page 15906 of the RECORD of Thursday, June 15, 1967, and it is addressed to the Honorable HARLEY STAGGERS and is as follows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., June 15, 1967.

HON. HARLEY STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN STAGGERS: A valid question has been raised by a number of the members with respect to the possibility of a railroad strike occurring before conferees could complete their work in the event S.J. Res. 559 should be amended.

I wish to advise you on behalf of the six shop-craft unions involved in this dispute that no strike action would be taken during the period of time required for the conferees to compose the differences between the measures adopted by the two Chambers.

We would be most appreciative if you would advise your colleagues to this effect.

Sincerely yours,

DONALD S. BEATTIE,
Executive Secretary.

If the gentleman will yield further, I would certainly say that it is my judgment that the letter would certainly comprehend and include the time that is necessary to effect the appointment of conferees, as long as that is a reasonable period of time.

Mr. LENNON. I thank the gentleman, and I ask my distinguished friend, the chairman of the committee, if his view of this is in accord with the views expressed by the gentleman from California?

Mr. STAGGERS. I will leave that up to the gentleman from North Carolina to make his own deduction. I read the letter and put it in the RECORD to let the Congress make its own judgment.

I did not interpret anything, and I am not trying to interpret anything. I said I had the letter, and I read it, and the gentleman can read it.

Mr. LENNON. Then the gentleman is not willing to give us his personal judgment on this just as the gentleman from California has?

Mr. STAGGERS. I would agree with my colleague, the gentleman from California, if you want my personal opinion.

Mr. LENNON. That is what I asked for, and I thank my colleague very much.

Mr. DELLENBACK. Mr. Speaker, reserving the right to object, will the gentleman from California yield for the purpose of an inquiry in this respect?

Mr. MOSS. The gentleman will be pleased to respond. The gentleman from Oregon has the time.

Mr. DELLENBACK. Mr. Speaker, do we interpret the position—that is, the position of the leadership of the majority party, not just the individual interpretation of the esteemed gentleman from California—to be that under the assurances which have been given to this Congress, if we now go into recess with the intention of meeting again Monday next, there will be no strike on the railroads prior to the time we come next into session?

Mr. MOSS. That would be a most inappropriate interpretation. I have not consulted with the leadership in an effort to arrive at their interpretation.

I have given the gentleman my interpretation. I think that the letter will fully support the interpretation I have placed, but I would not presume to give the assurances the gentleman seeks without appropriate opportunity for consulting. I think the letter must be read and construed by each Member as his own wisdom dictates.

Mr. DELLENBACK. Mr. Speaker, further reserving the right to object, is the gentleman or any other representative of the majority party in this House in a position to assure the Members of this House that it is the official position of the majority party that if we now concur in an adjournment at this time, there will be no strike between now and when we next come back into session?

Mr. MOSS. I think the gentleman, if he yields for purposes of response, asks in a more oblique manner what he asked before, and my answer would be the same.

Mr. DELLENBACK. Mr. Speaker, reserving further the right to object, is there any Member who is in a position to speak on behalf of the majority party for the information of those of us in the minority and for the information of the Members of the House, to give us further assurances or further interpretations of whatever communications have been received by the majority party that our action would be well advised, that is, to go into recess at this time or to adjourn?

Mr. MOSS. Will the gentleman yield for a further response?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. I point out, Mr. Speaker, that the assurance that was given here does not come from the majority party. Rather, it comes from an organization known as the Railway Labor Executives' Association. It is under the signature of the executive secretary of that association.

The situation confronting the House at this moment arises because of the information conveyed to the Speaker of this House by the other body that it does not intend to act today, tomorrow, or on Sunday. In other words, no action will be taken until Monday. Therefore, the assurance we have is not from within this Chamber, but from an organization deeply involved. I think it was given in good faith. I would expect them, if they want me to accept their assurances in good faith, to meet the test of whether or not it is in good faith by having it cover the situation presently existing.

Mr. DELLENBACK. Reserving further the right to object, Mr. Speaker, I do not mean to engage in semantic quibbles on this, but I interpreted the gentleman from California as making it explicit in his remarks a few minutes ago that he was talking merely as one individual Member of this Congress, that it was his interpretation of the letter that it said certain things.

The inquiry that I direct to the majority is this: Is this also the interpretation of the leadership of the majority party that under the circumstances before us, in the light of the language of the letter which is in the RECORD, which has been received by the esteemed chairman of the Interstate Commerce Committee, it is now in accord with the interpretation of the gentleman from California?

Mr. MOSS. Mr. Speaker, will the gentleman yield further for a response?

Mr. DELLENBACK. Yes, I yield to the gentleman from California.

Mr. MOSS. The gentleman acting now as majority leader is in no more of a position to convey a precise statement on behalf of the entire majority party than the gentleman who is now acting as minority leader is in a position to convey any such commitment binding upon the minority party.

Mr. DELLENBACK. Reserving further the right to object, Mr. Speaker, is there

any representative of the majority party who is in a position to add to the statement of the gentleman from California?

Mr. MOSS. There is none. I am assuming that the gentleman will yield at this point.

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. The gentleman acting in the role of the majority party spokesman in this House has given to the best of his ability and in good faith answers which he feels are responsive to the question.

They are the only answers that can be given.

Mr. DELLENBACK. Further reserving the right to object. Mr. Speaker, certainly I do not question the good faith of the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. I want to take advantage of this opportunity, when we have a little more time, if I may have the attention of the gentleman from California [Mr. Moss] to state that yesterday, when we had a few seconds per Member on an amendment, which was rejected—and this is really water over the dam—perhaps the gentleman from California [Mr. Moss] misunderstood my point. I merely wish to elaborate a bit, briefly.

I raised the objection to the then pending amendment, that it was totally impracticable and unworkable to try to work out freight trains consisting of perishable crops like strawberries, lemons, and oranges, and nonperishable commodities like roofing materials and other such products of my congressional district.

I believe the gentleman from California [Mr. Moss] misunderstood me. I well understand he is as much concerned about getting perishable crops to market as I.

My point at that time was that this was a very difficult, if not impossible, practical way to handle the makeup of the freight trains.

I just wanted to take a few moments to make that clear.

Mr. MOSS. Mr. Speaker, will the gentleman yield to me, so that I may respond?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. I say to my good friend and colleague from California, I recognize fully the extremely difficult nature of the problem which has confronted us, the many dilemmas which have confronted us in the past few days. I had no feeling that the gentleman would attribute to me any conviction that he was attempting to obfuscate, or place upon me the onus of not having as much sympathy for agriculture in our State as he has.

Mr. TEAGUE of California. I thank the gentleman. My point is just to be sure that we understood what I was trying to get across yesterday.

Mr. MOSS. I fully understand.

Mr. DELLENBACK. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HERLONG. Mr. Speaker, reserving the right to object, in connection with the interpretation of this letter, I seem to sense some equivocation today as to the meaning of the letter, in that no one wants to take responsibility. Yesterday in the debate I did not sense that equivocation at all. Everyone was determined there would not be a strike if the amendment was agreed to, so far as this measure is concerned.

I wonder if this is not some devious method where they are going around to try to maneuver the President into having to seize the railroads during this period of time.

Mr. MOSS. Mr. Speaker, will the gentleman yield for a response?

Mr. HERLONG. I am happy to yield to the gentleman from California.

Mr. MOSS. First I should like to ask the gentleman if he could give me the authority of the President to seize, absent congressional action.

Second I should like to read with emphasis the language of the letter and, as I have stated previously, give my own interpretation:

> I wish to advise you on behalf of the six shop-craft unions involved in this dispute that no strike action would be taken during the period of time required for the conferees to compose the differences between the measures adopted by the two Chambers.

It is my interpretation—an individual interpretation—that that clearly comprehends the time required to effect the appointment of conferees.

Mr. HERLONG. I thank the gentleman. That answers my question.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. FOUNTAIN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a further question.

The letter is clear to me. It is inconceivable to me that the unions in question would authorize a strike after having written that letter.

The only other question I will ask is, can the gentleman or someone connected with this legislation tell this body whether or not the author of that letter is a person who speaks with authority?

Mr. MOSS. It is signed by Donald S. Beattie, executive secretary. I would assume, therefore, that in this corporate structure he speaks with full authority for the members, or at least for the board of directors, that is, the directors or the top executives of the crafts involved in the dispute.

Mr. FOUNTAIN. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AID FOR ABANDONED ARABIAN SOLDIERS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, our great country has always been dedicated to humanitarian principles. All Americans must have been profoundly moved, as I was, by recent news accounts and photographs of helpless Arab soldiers abandoned by their governments and wandering in the broiling desert sun. These men, surely, are not responsible for the folly of their leaders nor deserving of slow and horrible death after defeat in battle.

Therefore I applaud and support the step just announced by the White House, offering American aircraft to airdrop water to these unfortunate castaways. Let us hope that the Israel and Egyptian Governments will give their cooperation promptly, before the grim desert sun makes our mission of mercy moot. Personally, I would think emergency food and medical supplies as well as water should be provided.

While I remain adamantly opposed to the use of American aid to prop up such demagogic and discredited governments as Mr. Nasser's, I notified President Johnson by telegram today of my warm endorsement of this humanitarian step which accords with our highest religious teachings. Because it is moral and right, it is also good international politics for the United States at this critical juncture in Middle East and East-West relationships.

The text of my telegram follows:

> DEAR MR. PRESIDENT: I commend and support our government's offer of American aircraft to try and save the stranded Arab soldiers in the Sinai desert. It accords with our country's humanitarian and religious traditions and effectively answers President Nasser's big lie on the role of American planes in the recent war. My stated opposition to the use of American aid to prop up Mr. Nasser's demagogic and discredited regime does not preclude emergency measures to save soldiers it has abandoned in defeat. If they live, they might prove a leaven of realism among the Egyptian population to restrain future follies and threats to world peace.
>
> Respectfully,
>
> GERALD R. FORD,
> *Minority Leader.*

CHAIN OF EVENTS IN ISRAEL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include the following articles from the June 1967 number of Jewish Frontier:

> BREATHING SPELL OR NOOSE?
>
> The U.N. calls for a "breathing spell" in the present crisis in the Middle East should not serve to obscure the essentials of the situation. There is no point in a breathing spell

which provides air and ease for all except the one aggrieved. If Egypt is to maintain her blockade and the Arab armies continue to encircle Israel while the United Nations debates and negotiations drag on, Israel may find herself choking during the supposed respite. The mobilization of her people's army to meet the Arab threat means the cessation or serious impediment of her economic life. Israel has to marshal every able-bodied citizen from the age of 18 to 45—boy and girl, man and woman. Denial of access to the Gulf of Aqaba further throttles the small country. Unless Arab aggression is halted quickly Israel will find the breathing spell a noose.

The declaration of President Nasser of Egypt that he will not permit Israel ships to go through the Straits of Tiran is an act of aggression against the rights of Israel and represents a violation of international law as affirmed by the United Nations Conference on the Law of the Sea in 1958. The Egyptian dictator's demand for the withdrawal of the United Nation's Emergency Force from Gaza and Sinai, and the massing of Arab forces on every border of the Jewish state are further indications that the Arab rulers may have decided that the hour is ripe for the "war of annihilation" they have so long threatened. Since Israel cannot be expected to accede passively to the tightening of what the Arabs themselves have described as a "death noose"—military and economic—about her, the danger to peace in the Middle East and consequently to world peace is grave. The best hope for curbing the warlike designs of the Arab powers and for preventing a tragic conflagration lies in the implementation of American policy as announced in the Tri-Partite Declaration of 1950 and subsequently re-affirmed by every American president. The American commitment is unequivocal. It applies both to the territorial integrity and independence of Israel and to free access to the Gulf of Aqaba. A review of the chain of events leading to the present situation makes clear the blatant immorality of tactics of delay.

On March 1, 1957, Mrs. Golda Meir, then Foreign Minister of Israel, stated to the General Assembly on what assumptions Israeli forces were withdrawn from the Gaza Strip and the region of the Gulf of Aqaba. These assumptions were: that free and innocent passage for international and Israeli shipping in the Gulf of Aqaba and through the Strait of Tiran would continue to be fully maintained after Israel's withdrawal; that the take-over of Gaza from the military and civilian control of Israel would be exclusively by the United Nations Emergency Force; and, finally, that the United Nations administration of Gaza would be maintained till there was a peace settlement or a definite agreement on the future of the Gaza Strip.

On the basis of these assurances Israel ordered the evacuation of points vital to her security. The Gaza Strip, occupied by Egypt in 1948, had been transformed into a hostile base from which Nasser unleashed his *fedayeen* terrorists in a mounting campaign of arson and murder. Sharm el Sheikh in the south-eastern corner of the Sinai overlooked the Straits of Tiran; control of this point was essential to lifting the illegal Egyptian blockade of the Gulf of Aqaba. The Sinai Campaign, precipitated by the heavy massing of Egyptian troops and Russian armor in the Sinai desert, as well as by the documented imminence of a "second round" was undertaken to liberate Israel from the *fedayeen* outrages and the stranglehold of the Egyptian blockade. In the interests of international peace Israel surrendered the fruits of its victory. It accepted the assurances of the Great Powers, particularly those of the United States, that incursions from the Gaza Strip would be curbed, and that free passage through the Straits of Tiran would not be impeded.

THE ASSURANCES

In a memorandum of February 11, 1957, the Secretary of State, the late John Foster Dulles, with the approval of President Eisenhower, said:

"The United States believes that the Gulf comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf and through the Straits giving access thereto. We have in mind not only commercial usage, but the passage of pilgrims on religious missions, which should be fully respected."

On February 20, 1957, President Eisenhower stated:

"With reference to the passage into and through the Gulf of Aqaba, we expressed the conviction that the Gulf constitutes international waters and that no nation has the right to prevent free and innocent passage in the Gulf. We announced that the United States was prepared to exercise this right itself and to join with others to secure general recognition of this right. Egypt, by accepting the six principles adopted by the Security Council last October in relation to the Suez Canal, bound itself to free and open transit through the Canal without discrimination, and to the principle that the operation of the Canal should be insulated from the politics of any country. We should not assume that, if Israel withdraws, Egypt will prevent Israeli shipping from using the Suez Canal or the Gulf of Aqaba. If, unhappily, Egypt does hereafter violate the Armistice Agreement or other international obligations, then this should be dealt with firmly by the society of nations."

The U.S. Representative to the United Nations, Henry Cabot Lodge, stated on March 1, 1957:

"It is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israel land and sea forces. This separation is essential until it is clear that the non-exercise of any claim to belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest."

On the basis of these assurances, Israel Foreign Minister Golda Meir on March 1, 1957, declared:

"Israel is now prepared to withdraw its forces from the region of the Gulf of Aqaba and the Straits of Tiran in the confidence that there will be continued freedom of navigation for international and Israel shipping in the Gulf of Aqaba and through the Straits of Tiran."

As additional re-assurance, President Eisenhower wrote personally to Prime Minister Ben-Gurion on March 2, 1957:

"I know that this decision was not an easy one. I believe, however, that Israel will have no cause to regret having thus conformed to the strong sentiment of the world community as expressed in the various United Nations resolutions relating to withdrawal.

"It has always been the view of this Government that after the withdrawal there should be a united effort by all of the nations to bring about conditions in the area more stable, more tranquil and more conducive to the general welfare than those which existed heretofore. Already the United Nations General Assembly has adopted resolutions which presage such a better future. Hopes and expectations based thereon were voiced by your Foreign Minister and others. I believe that it is reasonable to entertain such hopes and expectations and I want you to know that the United States, as a friend of all the countries of the area and as a loyal member of the United Nations will seek that such hopes prove not to be in vain."

The United Nations Conference on the Law of the Sea on April 27, 1958, reaffirmed international law regarding passage through straits in these terms:

"There should be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or territorial sea of a foreign state."

THE UNITED NATIONS EMERGENCY FORCE

The United Nations Emergency Force, established by virtue of a General Assembly resolution of November 5, 1956 had been deployed in the Gaza Strip and the Sinai for over ten years. Its function was to act as a buffer and contribute to the peace of the regions. Its sudden withdrawal by Secretary-General U Thant upon the unilateral demand of the Egyptian dictator has been viewed by the Secretary-General himself as ill-timed. In his statement to the Security Council (May 19, 1967) U Thant said: "It can be said that the timing of the withdrawal of the U.N.E.F. leaves much to be desired because of the prevailing tensions and dangers throughout the area."

Why in view of this situation did U Thant acquiesce so promptly in carrying out Nasser's demand? The Secretary-General has stated that the U.N.E.F. could not remain against the will of Egypt. The possibility of an Egyptian request for the evacuation of the peace-keeping force had been foreseen at the time of its establishment. The then Secretary-General Dag Hammarskjold reached an agreement with President Nasser in regard to the conditions under which the force might be withdrawn. On November 20, 1956 Hammarskjold reported to the General Assembly on this matter, and noted that the General Assembly "understanding this to correspond to the wishes of the Government of Egypt, reaffirms its willingness to maintain U.N.E.F. *until its task is completed.*"

In other words the U.N.E.F. was to stay till its peace-keeping purpose was achieved. In addition, on February 26, 1957, Hammarskjold outlined the procedure to be followed in case a demand for withdrawal of the force was made: the Secretary-General should inform the Advisory Committee of the U.N.E.F. which should then decide whether to bring the matter to the attention of the General Assembly.

Why were the peace-keeping forces not placed in Israeli territory? In the crucial question of the Gulf of Aqaba there is no such geographic possibility. Israel has no border which overlooks the Straits of Tiran, the point at which Egypt seeks to bar access to Israeli shipping through the Gulf. As far as the Gaza Strip is concerned, there is no function for the U.N.E.F. on the Israeli side of the border. It must be borne in mind that the U.N. soldiers may not use force. They are observers who act as checks on proposed violence. Since military infiltrators and terrorists come from Gaza into Israel and not from Israel into Gaza, a United Nations presence is helpful in Gaza; it is meaningless in Israel. Shukairy's fire-eating "Palestine Liberation Army" is now stationed in Gaza and threatening to send guerrillas into Israel. No Israelis are trying to infiltrate Gaza.

THE PRESENT CRISIS

President Nasser has explained his massing of troops in the Sinai and his mining of the Gulf of Aqaba as measures to forestall an Israeli attack on Syria. The Soviet Union has echoed this explanation, suggesting further that Israel is involved in an "imperialist plot" to topple the "progressive" government of Syria. The nonsensical nature of these charges is disproven by the sequence of events as described in Prime Minister's Eshkol's report to the Knesset on May 22, 1967:

"During the night of May 15, 1967, news of the movement of Egyptian military forces into Sinai reached us from various sources. Military forces had been openly and demonstratively transferred, in broad daylight. Cairo explained that this step was taken in response to Israel's alleged preparations to

attack Syria, and concentration of military forces on the northern frontier.

"Upon learning of the Egyptian troop movements and the pretext offered to explain them, and before Egyptian forces had crossed the Suez Canal, we informed the U.N. that the allegations of Israeli troop concentrations in northern Israel were baseless. This statement was transmitted by the U.N. to Middle Eastern capitals, including Cairo. In his report to the Security Council on May 19, 1967, the U.N. Secretary-General states that U.N. observers verified the absence of Israeli troop concentrations and Israeli military movements on the northern frontier.

"Nevertheless, Egyptian troop movements continued in the direction of Sinai, while mendacious propaganda continued to proceed from Cairo and Damascus concerning Israeli concentrations which had never taken place.

"During the first days of Egyptian troop movements towards Sinai, authoritative political circles in the world capitals expressed the view that this was merely a propaganda move, devoid of any particular military significance.

"The movement of Egyptian forces into Sinai gathered strength during the second half of last week, and today they are almost fully deployed in eastern Sinai and various positions throughout the peninsula.

"Before May 14, the Egyptian force in Sinai consisted of less than two divisions, based mainly on infantry and some armour. Today, after reinforcements, Egyptian forces there are of a strength close to four divisions of infantry with armour. Furthermore, numerous artillery units have been brought up, and the Palestinian forces in the Gaza Strip have been strengthened. Moreover, the Egyptian Air Force in the Sinai peninsula has also been reinforced."

While it is true that the Israeli government had warned Syria to stop terrorist attacks on agricultural settlements near the Syrian border, U Thant as late as May 19 confirmed the absence of troop concentrations in Israel, whereas the Egyptian massing of troops in Sinai began on May 15, four days earlier. Whatever the reasons, it is apparent that Nasser, whether confident of Russian military support, or piqued by Arab charges that he was insufficiently bellicose and eager to re-establish his pre-eminence in the Arab world, appears to have decided that the moment for the "third round," the war of final "annihilation" of Israel, had come. In this he is, of course, supported by the various Arab states, none of whom can afford to appear less bellicose than the other. Israel may well have to fight once more for the right to live, against enormous odds. Though the plaudits to Israel valor and competence are fully merited, arithmetic should not be ignored. The small democracy, created as an act of historic justice by the United Nations less than twenty years ago, encircled by a hostile ring of Arab states, is vastly outnumbered. It is essential that the "third round," already initiated by the blockade of the Gulf of Aqaba, be stopped by the international community in their interests of world peace.

Israel is eager for peace. Prime Minister Eshkol has offered to draw back Israeli forces from the borders if the Egyptians will do likewise. In his address to the Knesset (May 22) he declared:

"I would like to say again to the Arab countries from this rostrum, particularly to Egypt and Syria, that we harbour no aggressive designs. We have no possible interest in violating either their security, their territory or their legitimate rights. Nor shall we interfere in any way in their internal affairs, their regimes, or their regional or international relations. We expect of them, according to the principles of reciprocity, the application of the same principles toward us."

THE AMERICAN COMMITMENT

Declaration by Britain, France and the United States, May 25, 1950:

"The three governments take this opportunity of declaring their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area.

"The three governments, should they find that any of these states was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside of the United Nations to prevent such violation."

On June 1, 1953, Secretary of State John Foster Dulles, reaffirmed the declaration in a radio address and said:

"The present U.S. Administration stands fully behind that declaration."

President Eisenhower, State of the Union Message, January 5, 1957:

"We have shown, so that none can doubt, our dedication to the principle that force shall not be used internationally for any aggressive purposes and that the integrity and independence of the nations of the Middle East should be inviolate."

President Kennedy, May 8, 1963:

"In the event of aggression or preparation for aggression (in the Middle East), whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression; which, of course, has been the policy which the United States has followed for some time."

President Johnson, on May 23, 1967, stated:

"To the leaders of all the nations of the Near East, I wish to say what three Presidents have said before—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of the area. The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine. This has been the policy of the United States led by four Presidents—President Truman, President Eisenhower, President Kennedy, and myself—as well as the policy of both of our political parties. The record of the actions of the United States over the past twenty years, within and outside the United Nations, is very clear on this point."

THE RIGHT TO SELF-DEFENSE

(NOTE.—This article is part of an address delivered at the United Nations, December 5, 1956, by Mrs. Golda Meir, then Foreign Minister of Israel, in regard to the Sinai Campaign. We reprint it because of its pertinence to the present crisis.)

(By Golda Meir)

For eight years Israel has been subjected to the unremitting violence of physical assault and to an equally unremitting intent to destroy the country economically through blockade, through boycott and through lawless interference with the development of its natural resources. Since Israel's efforts to repulse the concerted Arab onslaught in 1948, it has had no respite from hostile acts and loudly proclaimed threats of destruction.

It would be idle to pretend that the present situation can be discussed without regard to this background, or that the causes that precipitated Israel's recent security action can be ignored. If this Assembly is genuinely determined to restore peace to the Middle East it must first determine from what source aggressive policies derive. It will serve little purpose to isolate one link in the chain of circumstances, to thrust the weight of resolutions upon one incident without considering the total effects. Unless the United Nations is prepared to use its influence to prevail upon the countries of the Middle East to negotiate a fundamental solution, the Middle Eastern cauldron will continue to seethe and the region will be a powder-keg for others anxious to exploit its inflammable possibilities. Not only the well-being of Israel, but perhaps the peace of mankind, demand that the question of responsibility for unrest in this part of the world be squarely faced and the causes of tension removed.

Israel is ringed by hostile states which invoke the terms of the 1949 Armistice Agreement when they find it convenient, and which flout those agreements when they find them oppressive. They refuse to sign peace treaties, clinging desperately to the discredited theory of a "belligerent status" against Israel, while at the same time piously demanding the protections of peace for themselves. As long ago as June 12, 1951, an official Egyptian representative defended his country's obstruction of Israel shipping through the Suez Canal with the following extraordinary words:

"We are exercising a right of war. We are still legally at war with Israel. An armistice does not put an end to a state of war. It does not prohibit a country from exercising certain rights of war."

We know from agonizing experience what these "certain rights of war" are. They include indiscriminate terror, arson and economic attack. At the same time any Israeli effort to stop murder and pillage, to make existence tolerable for its beleaguered population, is met with an outcry about the violation of peace, a peace which exists only in so far as it accords with the convenience of those who have broken it. A comfortable division has been made: the Arab states unilaterally enjoy the "rights of war"; Israel has the unilateral responsibility of keeping the peace. But belligerency is not a one-way street. Is it surprising if a people laboring under this monstrous distinction should finally become restive and at last seek a way of rescuing its life from the perils of a regulated war conducted against it from all sides?

For the people of Israel this paradox is not merely a question of logic or semantics. Among the "rights of war" exercised against Israel has been the fedayeen campaign unleashed by Colonel Nasser in the summer of 1955. These fedayeen are gunmen, trained by Egyptian army officers and recruited chiefly from among the Arab population in the Gaza strip, which was captured by the Egyptian army when it invaded Israel in 1948. Fedayeen gangs have been planted in Jordan, Lebanon and Syria. Very heavy concentrations of these fedayeen units were stationed in the Sinai desert. Israel's narrow borders and long frontiers make it particularly vulnerable to terror squads who cross the border at night with the sole objective of indiscriminately shooting or bombing any Israeli house, or any man, woman or child. The murders committed by the fedayeen were hailed by the Cairo radio on August 31, 1955, with words which left no doubt as to the identity of the organizers of these outrages:

"Weep, O Israel, because Egypt's Arabs have already found their way to Tel-Aviv. The day of extermination draws near. There shall be no more complaints or protests to the United Nations or the Armistice Commission. There will be no peace on the borders because we demand the death of Israel."

The slaughter of six children and their teacher in the agricultural school of Shafrir, the bombing of a wedding in the Negev village of Patish—these are examples, familiar to the world, of the kind of heroic exploits so lustily applauded by Colonel Nasser when he addressed a fedayeen unit in the Gaza strip in the following terms:

"You have proven by your deeds that you are heroes upon whom our entire country

can depend. The spirit with which you entered the land of the enemy must spread."

The list of daily murders, of acts of robbery and sabotage, can be indefinitely extended. But let me only remind this Assembly of the events of September 23rd of this year on another front, when a group of archaeologists was fired upon in Ramat Rachel from the Jordanian border. Five Israelis were killed and 16 wounded. The next day two more Israelis, a man and a woman, working in their fields in different parts of the country, were killed by Jordanian units. When in response, on September 25, deterrent action was taken at Husan by an Israel army unit, this action was officially described as "unprovoked."

May I say that the people of Israel cannot emulate, nor do they understand, this legalistic detachment. When their peaceable fellow-citizens are murdered in cold blood, in the course of their daily occupation, they *are* provoked and they demand that their government reflect that sense of provocation by affording them the protection which ever state owes its citizens and which international bodies are apparently unable to provide. If moral distinctions are to be made, then let me suggest that controlled military actions—with limited and well defined military or police objectives—are less abhorrent, even to the most sensitive conscience, than wanton and indiscriminate murder which strikes not at military targets, but solely at civilians.

The campaign of terror unleashed against Israel was not stopped by the intervention of the United Nations. The cease-fire secured by the Secretary-General last April was not honored. Instead, despite exemplary restraint practiced by Israel immediately after the cease-fire agreement, violence increased on every border. Every sign pointed to the fact that the Egyptian dictator was about to realize his cherished and fully publicized ambition of a second round aimed at destroying Israel. He had amassed huge stocks of heavy armaments, secured largely from the Soviet Union and affiliated countries. He had concluded treaties with Jordan and Syria according to which the military forces of these countries were placed under the Egyptian High Command. We knew of large concentrations of armor and fedayeen in the Egyptian bases in the Sinai desert and the Gaza strip directly along the borders of Israel. There was a minimum of reticence about the proposed "extermination" of the small neighboring state. We recognized the symptoms. Within the lifetime of nearly every person here present a dictator arose who, like this disciple of his, informed the world in advance of his bloodthirsty plans. The ashes of the crematoria, the carnage of millions, a world in ruin, testified to the fidelity with which he kept his purposes.

Such a lesson should not be forgotten. Certainly the peopl of Israel are not likely to forget what the threat of total extermination means.

It is not my intention to enter into a description of the acts of hostility of the Egyptian government in many other fields. But the Assembly cannot remain indifferent, above all, to the fact that ever since the Resolution of the Security Council of September 1, 1951, and indeed, before that, the Government of Israel has patiently striven to solve the grave international problem of a double sea-blockade imposed against Israel by Egypt in the Suez Canal and in the Straits of Aqaba. The Security Council confirmed the illegality of this blockade and rejected the Egyptian argument of a "state of war" by which it sought to justify it. The Council ordered Egypt to terminate these practices. In October, 1956, the Security Council repeated its call for free passage without discrimination, "overt or covert."

Their decisions have been flouted. At the same time Egypt and the other Arab countries have sought by every means, direct and indirect, by organized boycott and by indiscriminate threats against Israel and attempted blackmail of countries friendly to Israel, to cripple Israel's commerce and to strangle her economic life. They have extended that boycott of Israel even to the agencies of the United Nations.

We are a small people in a small barren land which we revived with our labor and our love. The odds against us are heavy; the disparity of forces is great, but we have no alternative but to defend our lives and freedom and the right to security. We desire nothing more than peace, but we cannot equate peace merely with an apathetic readiness to be destroyed. If hostile forces gather for our proposed destruction they must not demand that we provide them with ideal conditions for the realization of their plans. Nor should the sincere desire for peace, shared by so many, be used as the shelter for such preparations.

The action of the Israel army in the unpopulated Sinai desert served to disrupt well-laid Egyptian plans and to liquidate new bases of active hostility against us. The texts of captured Egyptian military documents which Israel presented to the Security Council on November 15th indicate how imminent was the attack. I shall not repeat the long and detailed directives to the Egyptian commanders. But it would be salutary for all of us not to forget the introduction, which read:

"Every commander is to prepare himself and his subordinates for the inevitable campaign with Israel for the purpose of fulfilling our exalted aim which is the annihilation of Israel and her destruction in the shortest possible time in the most brutal and savage battles."

Is it conceivable that this Assembly should view the situation in Israel preceding October 29, 1956 as one of peace? Why should acts of cowardly murder of unarmed men, women and children, carried out for years, evoke less resentment than open military operation against nests of fedayeen and bases of hostile forces?

The practical problems which, it is claimed, divide the Arabs and Israel are not beyond solution. The world has, for instance, known and still knows refugee problems of far wider scope than those of the Arab refugees. In Korea, in India and Pakistan, in Greece and Turkey, in Europe after World War II, these numerically far larger problems have or are being successfully handled. Who more than the Jewish people has endured the tragic fate of the refugee? If to-day there is no bitter Jewish refugee problem in the world, it is because Israel supported by the solidarity of the Jewish people everywhere and with the aid of friendly governments has largely solved it. There need never have been a Palestine Arab refugee problem at all, had it not been created by the action of the Arab states. Given the cooperation of those same Arab states this distressing human problem could readily have been solved and can be solved to-day. In its solution Israel, as has been previously stated on behalf of my government, is prepared to play its part. But while Israel was absorbing Jewish refugees to a number exceeding that of all the Arab refugees—and hundreds of thousands of those whom we absorbed came from these same Arab lands—the Arab states for their part, with the exception of Jordan, were erecting an iron wall between themselves and these kinsmen of theirs. Since then they have lost no opportunity for exploiting these people as a political weapon in their war against Israel.

The fundamental problem in the whole situation is the systematically organized Arab hostility against Israel. Arab enmity towards Israel is not a natural phenomenon. It is artificially fostered and nurtured. It is not, as has been here alleged, Israel which is an instrument of colonialism. It is the *Israel-Arab conflict* which keeps the area at the mercy of dangerously contending outside forces. Only by the liquidation of that conflict will the people of the region be able to work out their own destinies in independence and hope. Only in that prospect lies hope for a brighter future of equality and progress for all the peoples concerned. If hatred is abandoned as a principle of Arab policies everything becomes possible.

Over and over again the Israel government has held out its hand in peace to its neighbors. But to no avail. At the Ninth Session of the General Assembly the Israel representative suggested that if the Arab countries were not yet ready for peace, it would at least be useful as a preliminary or transitory stage to conclude agreements committing the parties to policies of non-aggression and pacific settlement. The reply was outright rejection. Our offer to meet the representatives of all or any Arab country still stands. No answer from across our borders has come to our call for peace.

The concept of annihilating Israel is a legacy of Hitler's war against the Jewish people: it is no mere coincidence that the soldiers of Nasser had an Arabic translation of *Mein Kampf* in their knapsacks. We are convinced that these dangerous seeds have not yet succeeded in corrupting the Arab peoples, but this fatal game is one which the Arab political leaders should halt in the interests of the Arab peoples themselves.

I wish at this point to renew an appeal already heard from this rostrum to Egypt to desist from the shameful and disastrous policy recently initiated of wholesale persecution of its Jewish population. I shall not elaborate on the mass of detailed information now reaching us in this connection, some of which has been incorporated in a memorandum which it was my honor to transmit to you last Saturday afternoon—the sordid and disgraceful story of deportations and concentration camps, of indignity and spoliation, the holding of hostages to ensure silence on the part of those expelled, and of callous brutality. I can only hope that the shocked conscience of the world will have its effect on the rulers of Egypt and that they will yet desist, and desist at once, from the measures on which they have embarked.

What ought to be done now? Are we, in our relations with Egypt, to go back to an armistice regime which has brought anything but peace and which Egypt has derisively flouted? Shall the Sinai desert again breed nests of fedayeen and of aggressive armies poised for the assault? Will certain countries rearm Egypt for the renewed pursuit of its announced aims? Must the tragedy be re-enacted in the tinderbox of the Middle East? The peace of our region and perhaps of more than our region hangs on the answers which will be given to these questions.

In a letter to the Secretary-General of the United Nations of October 30, 1956, we put the following questions:

(a) "Does Egypt still adhere to the position declared and maintained by her over years that she is in a state of war with Israel?

(b) "Is Egypt prepared to enter into immediate negotiations with Israel with a view to the establishment of peace between the two countries as indicated in paragraph 3 of the aide-memoire of the Government of Israel of November 4, 1956 to the Secretary-General of the United Nations?

(c) "Does Egypt agree to cease the economic boycott against Israel and lift the blockade of Israel shipping in the Suez Canal?

(d) "Does Egypt undertake to recall the fedayeen gangs under her control in other Arab countries?"

Is it too much to expect clear, simple, binding answers? Are we, and not only we but

the fellow members of the United Nations, to take as an answer the announcement on Radio Cairo, on December 2, 1956, repeated again later in the day, that: "The Fedayeen Command has decided to launch a fierce campaign within Israel during the coming winter season"? Can the United Nations make itself responsible for the restoration, once again, on our southern borders of murder and sabotage units pursuing a one-sided belligerency? The blockade in the Gulf of Aqaba is now terminated. The battery of guns installed a few years ago by the Egyptian government on the desolate shore at the southern tip of the Sinai peninsula for the sole and illegal purpose of preventing the passage into the Gulf of Israel shipping no longer exists. Would it not be grotesque for an international body to permit the creation anew of the conditions which made that blockade possible; or to permit Egypt to perpetuate unhindered its parallel blockade in Suez? We cannot believe that that is the case. To do so would constitute a distortion of the very meaning and essence of the Charter.

My Government has undertaken an obligation to withdraw its forces from Egyptian territory and we are implementing it. But we must know what will be the role of the United Nations Force after the Israel forces are withdrawn. We are certain that it is not the intention of the Assembly to recreate the conditions laden with the identical dangers which produced the explosion of October 29th.

May I remind the representative of the Soviet Union that there was a time, not so long ago, when they understood Israel's right to self-defense and appreciated the true disposition of forces in the Middle East?

Ambassador Jacob Malik declared in the Security Council in 1948 in words which are as apt today as the day they were uttered:

"Since its birth the State of Israel has declared that it will live in peace and entertain peaceful relations with all its neighbors. Israel is not to blame for the fact that this appeal did not meet with response from its neighbors."

The truth is that since 1948, when the words of the USSR delegate that I have quoted were uttered, nothing has changed in Israel's desire or intentions. We seek, as before, to fulfill our historic mission of rebuilding our land for our harried people and to live in peace with our neighbors. But I say again again that neither peace nor war can be unilateral. A boundary must be respected by two sides; it cannot be open to fedayeen and closed to Israeli soldiers.

What does Israel want? Its requirements are simple. We wish to be secure against threats to our territorial integrity and national independence. We wish to be left alone to pursue the work of developing our country and building a new society founded on social justice and individual liberty. We wish to cooperate with our neighbors for the common good of all the peoples of the region.

WEST VIRGINIA REGIONAL AIRPORT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, there follows a transcript of the June 16 radio-television interview in which Chester G. Bowers, Director of Airport Service of the Federal Aviation Administration, describes the significance of the May 15 FAA decision to support a regional airport for southern West Virginia at the Midway site. This constitutes an official, objective view which sheds light rather than heat on the West Virginia airport problem.

The transcript follows:

ANNOUNCER. Here today is Chester Bowers, Director of Airports Service of the Federal Aviation Administration, who will outline the background and significance for West Virginia of the FAA decision to support a large regional airport serving West Virginia at the Midway site.

Mr. BOWERS. Last month the Federal Aviation Administration made a decision to construct a new airport to provide improved air service to that part of the state. The FAA decision and recommendation was based on a long study of the airport needs of West Virginia. The citizens of Kanawha County and the city of Charleston have recognized for several years that they would need improved airport facilities to accommodate the newer and larger aircraft that would be serving that community. Several years ago, Kanawha County undertook a planning study to decide whether it was feasible to improve the existing airport or whether a new replacement facility should be developed. The Federal Aviation Administration assisted with a small grant in that planning study.

GUTHRIE PROPOSAL

Our agency also administers a construction grant program under which we provide funds, frequently as much as 50%, in the construction of airports. In our grant-in-aid program for last year, we received a request from Kanawha County for some $8 million of Federal funds to assist in development of a new airport at the Guthrie site. This request was based on the planning study undertaken which concluded that it was more feasible to provide improved air service for the long term future at a new site rather than improve the Kanawha County Airport.

TRI-STATE AIRPORT EXPANSION

In that same grant-in-aid program last year, our agency also received a request for improvement of the Tri-State Airport to provide a 7000 foot runway and the request asked for some $3.60 million of Federal funds. Naturally, when an investment decision is of the magnitude called for here, it's prudent to examine all the alternatives. The FAA normally would examine the possibility of one airport to serve adjacent communities when it's faced with the magnitude of the requests that were received from Tri-State and from Kanawha County.

FAA LOCATES SITE AT MIDWAY

At the same time, the citizens of Huntington approached the agency about the feasibility of an airport midway between Charleston and Huntington to serve both communities. The FAA located a site that was suitable for airport development and consequently deferred action on the requests for aid from both Kanawha County and Tri-State. At the same time, we urged the state and affected public agencies to study their long-range airport needs and to unify a proposal or proposals to satisfy those needs.

When no unified proposal was evident, the FAA accelerated its studies and after a rather intensive study of some five months, we have concluded that it is in the most public interest to develop a single airport.

In the course of those studies we examined three principal alternatives. We examined first of all and in some depth the possibility of improving the present airports. Tri-State and Huntington can be improved to provide long range needs by extension of the runway. We estimate that Tri-State could be improved to provide a 7000 foot runway for approximately $4.9 million.

WHY EXPANSION OF KANAWHA AIRPORT IS NOT FEASIBLE

Kanawha County Airport at Charleston is another matter. It has some distinct advantage in being a close in airport. Our studies show that a 7000 foot runway can be constructed on the existing site. This would be a new runway. Such construction, however, would require a relocation of the National Guard area, and we concluded that a new runway would cost approximately $9.4 million. Even with this cost, we looked very carefully at whether or not the existing airport, improved with a new 7000 foot runway, could meet the future needs of the Charleston area. We thought very definitely that the possibility of improving Kanawha should either be ruled in or ruled out before we examined a new site. Our studies have led us to conclude after consultation with the airlines, after consideration of many factors, and after making our own forecasts, that a 7000 foot runway at the Kanawha Airport would be a stop-gap measure, that 7000 feet, while meeting today's needs, would not meet needs as far ahead as 1975. Therefore, if we supported the development of a new runway at Kanawha County we would again be in the same situation we are today, come 1975. So, we concluded, as did Kanawha County several years ago, that a new site was needed.

ANALYSIS OF GUTHRIE ALTERNATIVE

The alternative sites were the Guthrie site, located some 12 miles from Charleston and a Midway site, located between Charleston and Huntington, some 27 miles from downtown Charlestown and 33 miles from downtown Huntington. The Guthrie site has the advantage of being closer to the majority of the air travelers. At the present time, the Kanawha County Airport boards about three times as many domestic scheduled passengers as does Tri-State. The Guthrie site is suitable for development of a 7300 foot runway that will serve the short-range needs. The site has capability of runway expansion of 10,000 feet. There are no smog or fog problems as there are at Kanawha. But the cost of development of a runway at the Guthrie site we estimate to be slightly over $22 million. If Guthrie is developed to serve Charleston, Tri-State would need also to be further improved to serve the Huntington-Ironton-Ashland area, and here you have an additional cost of approximately $4.9 million.

ADVANTAGES OF MIDWAY SITE

We then looked very carefully at the Midway site. This site is also suitable for runway development in the first stage of 7300 feet and ultimately to 10,000 or longer.

The weather conditions at Midway are approximately the same as those at Guthrie. The distance, as I mentioned, is greater. The cost of development of an airport at the Midway site would be approximately $19 million. The Midway site has an additional advantage in that you would not need improvement of Tri-State at the same time. In other words, development of an airport at Midway would serve the common carrier needs of the entire area.

On total balance, therefore, FAA came to the conclusion that the convenience to passengers in some degree at a Guthrie site was more than offset by lower total cost of airport development at the Midway site, and an opportunity to share that cost among a wider population base. And Midway has the additional advantage of providing the opportunity for improved service by having one airport to serve the entire area. Of course, the more passengers you have at a particular airport the better prospects you have of long-haul, non-stop flights.

COST ESTIMATES FOR MIDWAY

ANNOUNCER. Mr. Bowers, would you please break down for us the Midway figure of $19

million. Does this include navigation aids, access roads and the terminal building?

Mr. BOWERS. Included in our costs for Midway was a terminal building, the access road, the navigation aids that would be provided by FAA, the site preparation, grading, earth moving and paving of facilities. As a matter of fact, the difference in costs between the Midway site and the Guthrie site is almost entirely the earth-moving costs of providing a level platform for the airport. We used the same cost figures in our estimates for both sites. For instance, we used a figure of 80 cents per cubic yard for earth moving, and the cost we used for terminal building and navigational aid, access road were identical at both sites. We also used the same costs of paving the 7300 foot runway at both sites.

MIDWAY COST INCLUDES NAVIGATION AIDS, 100 PERCENT FEDERALLY FINANCED

ANNOUNCER. Mr. Bowers, may I ask how much of the $19 million is strictly for the airport itself and should be raised by the local communities?

Mr. BOWERS. Our cost estimates for the Midway site include the following: The earth moving and preparation of the site amounts to $7.7 million. Our estimate for paving and lighting of the facilities and land acquisition of the site amount to $4.4 million. Together this comes to $12.1 million which is the amount which requires local matching funds to obtain. In addition to this, our estimate includes $2,800,000 for navigation aids that would be provided by FAA; $1.2 million for a terminal building; $1.5 million for an access road and then approximately $1.3 million for cargo parking area and other miscellaneous facilities. The total estimate for Midway as I see it is $18.9 million. Of this amount, $2.8 million would be provided by FAA for navigational aids. There is approximately $6 million for the development that would be eligible for Federal assistance from FAA under its grant program.

The FAA decision in this matter is first of all an investment decision for the agency in the use of its grant funds. In addition, our decision is a notification to the state, to the local political agencies, and to the general public that we believe public interest is best served by development of a single airport to serve the long-range air transportation needs of the entire area.

FAA DECISION ON MIDWAY CANNOT BE REVERSED

ANNOUNCER. Mr. Bowers, could this decision be reversed?

Mr. BOWERS. This is an FAA investment decision in the first place, a decision by the agency where it would use its limited resources to assist the state and the communities in West Virginia. As far as we're concerned this is a final decision for the FAA in the investment of its funds. I recognize, of course, that if the state and the communities choose to go some other way on their own, this is a decision they may properly make.

NEED FOR AGREEMENT AMONG LOCALITIES

ANNOUNCER. Mr. Bowers, now that the FAA has officially decided on the location, what is the next step to get the project moving?

Mr. BOWERS. We believe that the next step must be agreement among the population centers, financial centers and major political agencies in the area. In other words, you go forward with development only when there's agreement reached, and we believe there must be agreement and a unified position developed among this group.

ANNOUNCER. Do you mean by key population centers and economic centers Cabell, Kanawha and Putnam Counties?

Mr. BOWERS. Yes, generally, the major population areas are Huntington and Charleston in Kanawha and Cabell Counties. The airport itself is to be located in Putnam County, so as a minimum certainly you need the representatives of these three areas in full support of the airport.

ANNOUNCER. Mr. Bowers, how long will it take to build the airport?

NEED FOR SPEED TO START CONSTRUCTION

Mr. BOWERS. The construction of a new airport is a major undertaking. Obviously, the expenditure of the kind of funds that we're talking about is a long-range proposition. A key, of course, is how soon you start and how fast you progress after the start. If the planning and land acquisition for an airport were undertaken without delay during this summer, you would still expect a construction period of approximately three years before an airport of this magnitude were open for public use.

ANNOUNCER. As Director of Airports Service of the FAA, could you please tell us what sort of planning and engineering funds may be provided by the FAA?

Mr. BOWERS. Well, the FAA administers a grant program, as I mentioned. Under that program we do make modest grants for the preparation of plans for the lay-out of the site and the preparation of plans for construction. We made such a grant several years ago to Kanawha County. The demand for Federal funds is many times the available funds so until there is a unified proposal, unified backing and an organization with which we can deal, the FAA is not in a position to talk about grants for airport improvements or airport construction.

FAA GRANT OF 50 PERCENT FOR PLANNING

ANNOUNCER. Can FAA contribute for planning grants?

Mr. BOWERS. Yes.

ANNOUNCER. In other words, 50% of the planning and engineering funds are available and the sooner a valid application is made the sooner we can get underway. Is that correct?

Mr. BOWERS. That is correct.

ANNOUNCER. And what do you mean by a valid application?

Mr. BOWERS. Under our law we look to an application from a public agency which has the legal authority and the financial resources to construct and operate a public airport. So we're looking for a public agency or several public agencies to meet that legal and financial requirement. We would expect as I mentioned that the major political agencies in the area would be in support of the airport.

NEED FOR KANAWHA COUNTY PARTICIPATION

ANNOUNCER. Mr. Bowers, Putnam and Cabell Counties and the City of Huntington have already indicated their willingness to join the authority. Will the FAA recognize an airport authority as legal if Kanawha County is not a member?

Mr. BOWERS. Perhaps the FAA would recognize an airport authority as legal if it was composed of Cabell and Putnam Counties, but the FAA would not deal with an airport authority composed of only those two counties without also the backing of Kanawha County.

ANNOUNCER. What happens, Mr. Bowers, if the counties cannot put aside their differences and cooperate in forming an authority and developing the Midway site?

Mr. BOWERS. This is largely up to them. If they choose to go it alone, this is a decision for them to make. If the state should represent the entire group, this would be a possibility.

STATE OF WEST VIRGINIA AS APPLICANT

ANNOUNCER. Would it be possible for the State of West Virginia to submit an application for engineering and planning funds and possibly for the entire airport itself?

Mr. BOWERS. It would indeed. A number of states actually own and operate airports. Rhode Island for instance owns all the public airports in that small state, but many other states own one or more airports. However, I want to make it clear that we would not be disposed to deal with the state if a local controversy rages among its people who would be served by that airport.

OHIO AND KENTUCKY DID NOT INFLUENCE FAA DECISION

ANNOUNCER. Here is a question which is being raised in Charleston: "How much did the pressure of Ohio and Kentucky have to do in influencing the FAA at arriving at their May 15 decision on the location of the airport?"

Mr. BOWERS. The pressure, if there was any, from Ohio and Kentucky as well as pressure from any other sources didn't have any part in the FAA decision. The FAA made what it believed was a careful, comprehensive, objective study and came to a decision that it believes is the best decision in the public interest, and pressure from any source played no part in that decision.

FAA IS MAKING UNPRECEDENTED ADVANCE COMMITMENT TO FUND MIDWAY

ANNOUNCER. Mr. Bowers, would you please elaborate on your statement recently made at a public meeting in Charleston when you said, FAA has taken an extremely unusual step concerning whether it will commit itself to funding an airport in Putnam County. Normally, FAA never makes funding promises in advance.

Mr. BOWERS. The FAA funds available from a grant-in-aid program are only a small part of the total funds that are needed nationwide for eligible airport development. The traditional position of FAA, therefore, has been to wait until a public agency came forward with a definite proposal seeking Federal aid and having accomplished the basic planning for the airport. In this particular case, the FAA has made an investment decision before it received a definite proposal from the communities and this is an unusual thing. The agency has actually made a public statement that it would support its decision on a Midway airport to the extent that it can make funds available to assist in this effort.

HEARING PROCEDURES FOR CONSCIENTIOUS OBJECTORS SHOULD BE RESTORED

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, we will have before us shortly the conference report on the draft bill. While I am disappointed with many features of the bill, I wish to comment particularly on only one feature.

I believe the Senate and House conferees on the military draft bill have made a grave mistake in removing the possibility of a hearing by the Department of Justice in conscientious objector cases. This provision has been in the law since 1940.

The committee appears to have taken this step in order to try to streamline and speed up handling of conscientious objector cases. But instead the result may well compound administrative and legal problems and stretch out the time required to settle conscientious objector cases.

The courts have relied on the Department of Justice procedure as a fair and impartial method of evaluating con-

scientious objector claims. The removal of this procedure raises serious questions of due process of law. Since administrative safeguards are lessened, the courts may feel constrained to provide an alternative review within the judicial process. This would put a large additional burden on the already clogged judicial system and actually lengthen the amount of time required to decide conscientious objector cases.

Here, for example, is the way the court in *United States* v. *Gearey*, 368 F. 2d 144—2d Cir. 1966—saw the value of the procedure which has now been eliminated.

> The obvious purpose of the statutory scheme which provides for intervention by the Justice Department into the Selective Service appeal procedure, is to furnish a fount of information concerning an appellant's conscientious objection claim to the Appeal Board, so that a careful and enlightened decision can be reached. The Department's recommendation is based not only on the hearing which it conducts, but also on the report it receives from the FBI concerning the accuracy and sincerity of the applicant's claim. The Justice Department's role in the appeal procedure serves another purpose. It introduces into the inquiry a government agency less intimately associated with the armed forces than the Selective Service System, and not as concerned with meeting fixed quota calls. As a result a more objective and disinterested approach to granting exemptions can be expected.

The Department of Justice review has been very important in providing a fair hearing for conscientious objectors. In two-thirds of the cases considered, the local board and the appeal board were reversed, and the conscientious objector's claim was sustained. While the Department of Justice recommendation was only advisory, the appeal board almost always accepted the Department's finding. Now this important review of local decisions will disappear.

It might still be possible by regulation to set up a comparable procedure within the Selective Service System, and we urge that this be done. A comparable procedure would provide the conscientious objector claimant with an opportunity for a face-to-face discussion and hearing before a distinguished hearing examiner, the right to have an attorney present, and supporting witnesses. The Department of Justice relied on hearing examiners who volunteered their services. A system of compensation would seem fairer and more likely to speed up the handling of cases.

Mr. Speaker, I repeat that the bill before us, without the Department of Justice hearing procedure, has moved a step backward in the handling of conscientious objector cases. I urge that Selective Service make every effort to correct this situation as soon as possible by regulation.

FORMER COMPTROLLER OF CURRENCY, MR. SAXON, CONDEMNS FEDERAL RESERVE IN RECENT EXCELLENT SPEECH

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATMAN. Mr. Speaker, while Mr. Saxon was Comptroller of the Currency, I found it necessary to criticize his activities strongly from time to time. However, I think he is to be commended for his excellent speech delivered in Chicago at the annual forecasting conference of the University of Illinois. He stressed the view which I have expressed many times—that more political control is needed over the Federal Reserve Board. He correctly pointed out that the Fed's claim to independence has no merit at a time when its actions affect vital social and economic choices; and that in its role as a central planning board it must be brought under the control of elected representatives of the people.

He stated further:

> In a democratic society there are particular dangers in lodging broad regulatory powers with the central bank.

And he charged the central bankers with having cultivated the view that monetary affairs have a mystique and an obscurity which call for blind faith.

These are points I have been making for years. In bringing them to the public attention, Mr. Saxon is performing a great service. Under unanimous consent, I place the account of his speech, which appeared in today's Wall Street Journal, in the RECORD at this point:

[From the Wall Street Journal, June 16, 1967]

MORE POLITICAL CONTROL OVER RESERVE BOARD IS URGED BY SAXON, CITING ITS PLANNING ROLE

CHICAGO.—James J. Saxon, who used to feud with the Federal Reserve Board on specific cases, scathingly attacked it on broad philosophic grounds as a menace to a democratic society.

Formerly the chief supervisor of national banks as Currency Comptroller in the Kennedy and Johnson administrations, Mr. Saxon is co-chairman of the American Fletcher National Bank in Indianapolis. As a national bank, American Fletcher is automatically a Federal Reserve System member.

Arguing that the board should be brought under closer political control, Mr. Saxon said its "claim to independence may have had some merit in the days in which the Federal Reserve sought no deliberate role in the making of vital social and economic choices." But, he said, "if it seeks to become a central planning board instead of a central bank, it is time that it should be brought under the purview of the elected representatives of the people" so its proposals and reasoning can be exposed to public view before it takes actions.

Mr. Saxon's remarks were made at the annual forecasting conference of the University of Illinois at Chicago.

A Federal Reserve Board spokesman said the board wouldn't have any comment on Mr. Saxon's speech.

"In a democratic society there are particular dangers in lodging broad regulatory powers with the central bank," Mr. Saxon said, accusing central bankers throughout the world of having "for centuries sedulously cultivated the view that monetary affairs have a mystique and an obscurity that calls almost for blind faith." Because of their "guise of benevolent conservatism," he said, "many a destructive policy may long escape notice or criticism."

Particularly with its present members, Mr. Saxon said, the seven-man Federal Reserve Board has got away from the original idea of simply providing enough money to permit economic growth and has "embarked on programs designed to promote or restrict the flow of credit to particular uses in the economy." It temporarily made an "ill-conceived and hazardous excursion" into trying to pressure banks into limiting their loans to business customers last year, he said, and "still persists in its manipulation of the interest rate structure for the purpose of improving the competitive position of the savings and loan associations and stimulating the housing industry.

The board's ambitions aren't solely domestic, Mr. Saxon contended, saying that "merely because it has to deal with other central banks," the board "seems to regard itself as the ultimate arbiter of all our international financial affairs, both private and governmental."

The "most disturbing aspect" of these developments, Mr. Saxon charged, is "the insistence of the Federal Reserve that it should be allowed to exercise these powers independently, and in secret—powers which may be used, or abused, to favor or penalize one or another industry or segment of the economy, and thus seriously jeopardize the effective functioning of private enterprise in the public interest." The country must not allow the values of private enterprise, Mr. Saxon concluded, "to be subverted or compromised through incursions of Government sheltered from the cleansing effects of the democratic process."

American Statistical Association, one of the co-sponsors of the forecasting conference, released results of a poll of 100 Chicago-area statisticians, market researchers and economists who gave their economic forecasts for next year.

The consensus was that gross national product in 1968 would rise to $822 billion, or a gain of 5.5% from the $779 billion (5.3% increase) forecast for this year. The consensus also was that corporate profits would recover to $48 billion in 1968 after an expected decline of 5% to $46 billion this year.

ADDRESS BY CONGRESSMAN JOHN BRADEMAS AT COMMENCEMENT EXERCISES, SPELMAN COLLEGE, ATLANTA, GA., MAY 29, 1967

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, on May 29, I had the privilege of delivering the commencement address at Spelman College, Atlanta, Ga., and I ask unanimous consent to insert my remarks on that occasion at this point in the RECORD.

ADDRESS BY CONGRESSMAN JOHN BRADEMAS AT COMMENCEMENT EXERCISES, SPELMAN COLLEGE, ATLANTA, GA., MAY 29, 1967

President Manley, President Mays, President Clement and members of the class of 1967, faculty, and friends, I am delighted to be with you at Spelman College today.

During my nearly nine years as a Member of Congress, I have visited Buenos Aires and Berlin, Bangkok and Belgrade, Warsaw and Moscow, Santo Domingo and Djarkarta. Last week I even ventured into California, land of smoking bananas, endless summers, topless waitresses, and Ronald Reagan and his cast of thousands. So I am pleased today to be in Atlanta, heart of the New South and

now, thanks to Governor Maddox, drumstick capital of the nation!

I am honored today to join the long list of public figures who have addressed you during your years at Spelman—men like Harry Gideonse, the distinguished former president of Brooklyn College, and my good friend and former colleague in the House of Representatives, Charles L. Weltner. I know that you in Atlanta share my deep respect for Mr. Weltner's high courage and great ability. It is my firm hope, as it must be yours, that as day follows night, Charles Weltner will return shortly to a position of great public trust. Men of his stamp are too few, by far, and we cannot spare them.

May I also say how pleased I am to be in Atlanta with such distinguished leaders in American education as Dr. Benjamin Mays, President of Morehouse College, Dr. Rufus Clement, President of Atlanta University, and your own Dr. Albert E. Manley, the President of Spelman College. All three have made outstanding contributions to the cause of higher education in the United States.

I am also glad to be here because I find this happy academic setting a welcome relief from the jungle warfare of the House of Representatives. I spent the first three days of last week standing before my combative colleagues in the House in a partly successful defense of my bill to extend the historic Elementary and Secondary Education Act. After running that gauntlet I welcome the chance to stand before you today, not only because you are far prettier than my esteemed colleagues, but also because—for today at least—no matter how strongly you may disagree with my remarks, you can't talk back!

I have not come to Spelman, however, to burden you with the professional boosterism that so many commencement speakers try to foist off on their listeners, for my own days as a student and professor are still recent enough to steer me clear of that reef. Nor have I come to remind you of Bob Hope's classic advice to a group of graduating seniors about to go out into the world: "Don't!"

LEADERSHIP

I have come rather to talk about *leadership*—the personal leadership that you as graduating seniors, and the educational leadership that Spelman College, must exert.

My thesis is twofold: It is first, that as Negro Americans who have had the advantages of a first-class education, you have a special responsibility to insure that the drive for equal rights and equal opportunities for all Americans moves ahead firmly and constructively.

Second, I believe that Spelman College, together with the other predominantly Negro colleges in the South, must also help spur that drive by persisting in new and courageous ways in their uphill battle to provide first-class education for their students.

Let me confess at this point that I share the deep concern which John W. Gardner, the Secretary of Health, Education, and Welfare, has expressed in his perceptive essay, "The Anti-Leadership Vaccine."

Mr. Gardner declares that the educated man has defaulted, that he has failed to embrace the role of leadership which society expects of him. Moreover, charges Mr. Gardner, we are "immunizing" many of our most talented young people against any desire to be leaders.

Part of the difficulty, he says, is the kind of world we live in:

"The conditions of life in a modern, complex society are not conducive to the emergence of leaders. The young person today is acutely aware of the fact that he is an anonymous member of a mass society, an individual lost among millions of others. The processes by which leadership is exercised are not visible to him, and he is bound to think that they are exceedingly intricate."

But there is a still more disturbing reason that explains the retreat from responsibility for leadership that many young people have made. They find the exercise of leadership, the work of the "power structure", more than mysterious and far removed; they find it distasteful and corrupt.

Here, as Mr. Gardner points out, is the view of leadership often found in the academic community:

"The image of the corporation president, politician, or college president that is current among intellectuals and professionals today has some decidedly unattractive features. It is said that such men compromise their convictions almost daily, if not hourly. It is said that they have tasted the corrupting experience of power."

Given these attitudes it comes as no surprise that many young people have adopted views of social change which stress personal relationships rather than organizational activities, which emphasize the politics of protest rather than the politics of party.

Indeed this is the kind of response one might logically expect from sensitive and intelligent young people who see their lives determined far more by powers and principalities—corporations, governments, unions—than by their next door neighbors or the family down the street.

RETREAT FROM RESPONSIBILITY

But the fact is that the most urgent issue that we now face as a nation—the drive to guarantee to all our citizens the rights and opportunities that are theirs as Americans—is at root not corporate, not impersonal, but direct and immediate. Bob Dylan poses the question as it should be posed: "How many times can a man turn his head and pretend that he just doesn't see?"

Since the Supreme Court handed down the Brown decision in 1954, millions of Americans, both white and black, have chosen not to retreat from responsibility on the civil rights question but to seek it out. I believe that today, at a time when the civil rights movement is encountering new resistance and new obstacles, you members of the Class of 1967, as some of the finest of our young people, must assume responsibility to help insure that firm and constructive leadership in the movement will prevail.

Let me make it clear that I am not asking you to become a professional demonstrator or a full-time civil rights worker. It is not for me to insist that you place yourself in harm's way. But I am telling you that as the best of our young people today, you simply cannot take a trip and escape the real world by injecting yourselves with "the anti-leadership vaccine," or whatever else is high on today's hip parade!

For you know as well as I do that the drive to guarantee equal rights and equal opportunities to all Americans has entered a time of bitter testing. In recent months we have witnessed a distressing hardening of attitudes on the civil rights question. Increasingly caustic rhetoric from both intolerant whites and militant Negroes, violence on the campuses of Negro colleges, threats of a long hot summer—all are signs of the growing menace to the slow but solid gains we have made in our efforts to make real for all Americans the promise of the Constitution.

I have seen this growing polarization of attitudes reflected to a certain extent in Congress as well. Anti-riot, anti-bussing, anti-school desegration amendments now pass the House of Representatives with ease. Both House and Senate last year passed an anti-crime bill for the District of Columbia that President Johnson correctly vetoed because it was, in several glaring respects, unconstitutional. And it has for some time been obvious that Congress will enact no new civil rights legislation this year. The reasons for this impasse are many—I would certainly include the pressures on national unity and resources imposed by the Vietnam war—but the fact remains that in Washington as across the country, the forward movement of the drive for equal rights and opportunities is in jeopardy.

I am therefore convinced that to safeguard the gains we have made, and to extend them, will require leadership of a high order. And *you* must become part of that leadership. For if *you* do not, then the advocates both of black power and of white supremacy will be able to plead their cases unopposed. They will succeed in straining to the breaking point the already taut relations between Negroes and whites.

What we now require is the courage patiently but firmly to persist. We must place the remarks of former Republican Presidential candidate Barry Goldwater in reverse. To any who would counsel violence let us say: Extremism in the defense of liberty is no virtue. And moderation in the pursuit of justice is no vice.

I said that my thesis today was two-fold: *personal* leadership on the part of you graduating seniors and *educational* leadership on the part of this college.

It is to the second part of my thesis that I wish now to turn, for I believe that Spelman and other institutions of higher learning in the South, both white and Negro, also have a crucial set of responsibilities to assume in their drive to provide a first-class education for all their students.

COOPERATION AMONG COLLEGES AND UNIVERSITIES

One of the most powerful tools for improving the equality of higher education in the South, and indeed throughout the country, is the educational *consortium* in which colleges and universities share their strongest resources with one another. Many institutions will do well to follow, where possible, the pattern set by the university complex here in Atlanta, where for more than a generation Spelman, Morehouse, Clark, and Morris Brown Colleges and Atlanta University have worked together for their mutual improvement.

This pattern of shared resources has been greatly strengthened by new programs made possible by the Higher Education Act of 1965. Title III of this measure provides funds to help so-called developing institutions improve the quality of their programs through cooperative arrangements with similar institutions, with established colleges and universities, or with business organizations.

Already Spelman and the other institutions in this university complex have received more than $650,000 in Federal Title II funds to undertake cooperative programs for improvement in such fields as medical technology, business administration, food production management, and career placement. As a co-sponsor in the House of Representatives of the Higher Education Act, I am greatly encouraged by the high standard of performance that the Atlanta group has demonstrated in carrying out this key program.

Indeed, it was only last week that Spelman College was awarded a Federal grant of $75,000 for ten National Teaching Fellowships—and I notice also that Spelman will be participating with other members of the Atlanta group in two other programs to be financed by the Higher Education Act and totaling $67,500.

I should also note here that under other provisions of the Higher Education Act—including the Educational Opportunity grant and work-study programs as well as the instructional materials and equipment title—Spelman has already received more than $80,000. And last year the College received nearly $62,000 under the student loan program of the National Defense Education Act.

INTERNATIONAL EDUCATION

The successful consortium arrangements that you in Atlanta have developed to date may well prove of great advantage as you

begin to strengthen your programs in another critical field—international studies. Last year I was the chief sponsor in Congress of the International Education Act, a measure designed to strengthen the capacity of American colleges and universities in international affairs. I introduced the International Education Act in the knowledge that our colleges and universities are today graduating too many students who believe the world is flat and the sun turns around the earth—at least in terms of their knowledge of other countries of the world. Despite considerable progress made by a few institutions during the past decade, there remain glaring gaps in the capacity and commitment of our colleges and universities in international studies and research.

It is these gaps that the International Education Act is designed to bridge. The Act authorizes a domestic program of $140 million in grants over the next three years for graduate centers of research and training in international affairs and for undergraduate programs. It represents the first time that the Federal government has made a long-range commitment to support the international dimensions of our colleges and universities as educational institutions, not merely as resources for the overseas operations of the government.

I regret to say that initial planning and operations under the Act have so far been hampered by the failure of the Appropriations Committees in Congress to vote the necessary funds. But I am confident that significant funds will become available at some point, and as you plan ahead for that day I would urge you to build upon your experience as an educational consortium.

For it seems to me that in the field of international education, the small liberal arts colleges, if they are to make real impact, must look to a cooperative developmental effort. I am sure that you at Spelman recognize the enormous cost of providing first-rate international education, and that you would agree with me that duplication of facilities—such as expensive library materials—and unwarranted competition for scarce faculty would weaken, not strengthen, your capacity for leadership in international studies.

COOPERATION IN INTERNATIONAL EDUCATION

I believe that together with other small liberal arts colleges in the South—and I mean colleges outside Atlanta as well—you should take stock of your library, faculty, administrative, and student resources in international studies. You should then, wherever feasible, attempt to pool these resources so that all your students have the widest possible opportunity for exposure to courses and other academic experiences with foreign cultures and other nations.

But beyond combining your own strengths with those of other small institutions, I strongly believe that you should begin actively to explore ways of entering into further cooperative ventures with major universities in the South, and in other parts of the country as well, that have already developed considerable expertise in international studies and research. I am thinking, for example, of the commitment of the University of Notre Dame in my own Congressional district in the field of Latin American affairs, or of the strength of Boston University in African studies. I believe that you at Spelman, as at other smaller institutions, can and must find ways to combine your assets in the international field with the strengths of major universities without threatening your own autonomy and independence. At any rate, as sponsor of the International Education Act, I would urge that you follow some such pattern in planning for programs under the Act.

What I am suggesting to you is that in your quest for excellence, in international education and, indeed, in every other field, you must enter into new consortiums that extend beyond Atlanta. You must work to establish strong ties with first-rate colleges and universities, especially in the South, for both you and they will profit from and be enriched by such an exchange. But to create these consortiums, you must first face squarely the fact that higher education in the South is, to a remarkably high degree, segregated.

SEGREGATION IN HIGHER EDUCATION

While the attention of Congress has for good reason been riveted on the slow pace of desegregating elementary and secondary schools in the South, we have almost forgotten that progress in desegregating higher education, too, remains distressingly slow.

Georgia Tech has only 30 Negroes among its 20,000 students, and the University of Virginia has no Negro undergraduates at all. With few exceptions the major white universities in the South have only limited ties to the Negro colleges. On the other hand most Negro colleges, including Spelman, remain confined largely to Negroes.

I recognize that these patterns of segregation in both Negro and white colleges will not end next year. Indeed, I am confident that defenders of the present system can adduce a thousand reasons for the extension of these patterns until time immemorial. But it must be clear that their continuation will in the long run retard the drive for both first-rate education and equal opportunity. Clearly the responsibility to break down segregation in American higher education falls on both Negro institutions and white.

In the development of new and integrated educational consortiums you can employ not only the new programs and funds made available through measures enacted by the 89th Congress, but also private efforts to help strengthen Negro colleges. The decision of such distinguished economists as Walter Heller and Henry Wallich to teach next fall in Negro colleges, and the seven-year program just undertaken by the Council of Southern Universities to provide graduate fellowships to faculty members of these institutions, are promising examples of the new private resources of which you must avail yourselves.

I am convinced that difficult as these new consortiums may be to establish, they will return handsome dividends in a host of fields. Consider, for example, teacher education. At present both Negro and white colleges and universities in the South are lagging badly behind in the development of improved programs to prepare their students to be more effective teachers of culturally deprived children. According to an extensive survey just completed by the Southern Education Reporting Service, not even one Southern institution in six has made any substantive changes in the past five years to improve the preparation of teachers for work in urban and rural slum schools.

For many Negroes, and for many whites as well, this failure to revamp teacher training, and other failures like it, only strengthen a vicious cycle: attendance at substandard schools, then attendance at substandard colleges, and finally a return to the schools as substandard teachers.

Through the landmark education measures that Congress has enacted and through a host of private efforts, we have started to break that cycle. But we must move much faster, for we have far to go and not a moment to lose. And I suggest to you that you will accelerate your progress and save essential time by entering into the new educational consortiums—integrated consortiums in teacher training and other key areas—that I have described.

I have spoken to you today of two closely related kinds of leadership: the personal leadership that you as graduating seniors of Spelman College must assume to help insure that the drive for equal rights and equal opportunities for all our citizens moves ahead firmly and constructively, and the educational leadership that Spelman College and other institutions of higher learning throughout the South, both Negro and white, must now exert if they are in fact to provide the first-class education that will promote the cause of first-class citizenship.

Indeed, another way to state my thesis is to repeat the first words of the beautiful spiritual which we heard sung this morning: "Guide my feet while I run this race, for I don't want to run this race in vain". I am confident that the efforts which both you as individuals and the institutions of higher learning in the South are making will not be in vain.

As I close, let me remind you of the words that John F. Kennedy delivered to the student body of the University of North Dakota just two months before his death.

"What we seek to advance, what we seek to develop in all of our colleges and universities are educated men and women who can bear the burdens of responsible citizenship, who can make judgments about life as it is, and as it must be . . ."

I look to you who have enjoyed the privileges of a first-class education to make judgments about life as it is, and as it must be, and to act upon them.

THE HONORABLE JOHN A. BLATNIK

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HOWARD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOWARD. Mr. Speaker, for some Members of this House the outstanding accomplishments they perform continue along at a rapid pace with no end in sight. Such a man is the distinguished gentleman from Minnesota, our friend and colleague, JOHN A. BLATNIK.

Representative BLATNIK has won deserved worldwide recognition for his outstanding role in leading the fight against water pollution problems in the United States. The legislation passed in 1965 and again in 1966 are great accomplishments. The tremendous sense of satisfaction at the attainment of these goals would be sufficient to make even the most distinguished members of this Chamber take a brief pause from the continuing legislative battles. But not JOHN BLATNIK.

Shortly after the 90th Congress convened, the special Subcommittee on the Federal Aid Highway Program, under the chairmanship of JOHN BLATNIK, began an exhaustive investigation into highway safety.

The public hearings have begun and the testimony is now being received. Last night, Joseph McCaffery, of ABC News, read a television editorial which commends Congressman BLATNIK for his fine work. I now include that editorial in the RECORD:

ABC TELEVISION EDITORIAL BY JOSEPH MCCAFFERY PRAISING CONGRESSMAN JOHN BLATNIK ON EFFORTS TO IMPROVE NATION'S HIGHWAYS

When Congressman John Blatnik runs for re-election next year no one would be surprised if he ended up with 99 and forty-four one hundredths of the total vote, because he has been working for purity; purity in wa-

ter, purity in air, and now he is trying to help purify the nation's highways.

As head of the special highway subcommittee in the House, Blatnik is seeking to cut down traffic fatalities. His committee brings home the fact that 60 per cent of accidents on freeways are single car crashes. The cars run off the road, smashing into abutments, deep ditches and other obstructions, all of which have been deliberately placed there by helpful highway designers, and some of them, placed there in the name of safety.

Blatnik has proven that you don't have to be an expert to see the road hazards such as street light poles imbedded in concrete right by the shoulder of the road. The dangers of the Capitol Beltway were laid out on the committee table during the recent hearings.

Blatnik even produced a safety star, Joseph Linko, who brought before the committe hundreds of pictures of road hazards. Linko's testimony, because it was so down to earth, had as much impact as a car striking one of those monstrous guardrails.

After reviewing the testimony Blatnik has had entered on the record, the wonder is that something hasn't been done about all of this before. The hope is that something will be done about it now. That anything be done now will be due, in no small part, to the fact that John Blatnik was patient enough to devote time to the problem, and build the presentation before his committee. We leave too many things to experts. We never question them. John Blatnik has proved once again that the experts aren't always right.

THE TIME HAS COME TO ENACT THE PUBLIC BROADCAST ACT OF 1967

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PEPPER. Mr. Speaker, the need for public television is a vital and pressing matter, for it can be a potent force in creating a better informed public and in advancing the dispersion of culture throughout the Nation.

I have been in favor of instituting the measures required to create public television, and have spoken out many times in favor of the Public Television Act which the Senate has amended and is now called Public Broadcasting Act.

On April 11 of this year I testified before the Committee on Commerce in the other body, on the grave need for public television, and was gratified to learn that the Senate gave emphatic endorsement to and subsequently passed S. 1160, the Public Broadcasting Act, which is a new dynamic step forward for a more far-reaching program of public television.

It is with the national interest of the American people in mind that I have introduced H.R. 6845 which would create a more efficient program of public television and it is my burning desire that a system of public television like the excellent public television network in my home State of Florida, could be given to the American people as a whole. President Johnson has said that public television is a vital national resource, it has the potentiality of being a great instrument and it should be wielded as such. It is an essential part of the national service; on it rests the cultural viewpoints which are the hallmarks of true democracy.

Mr. Speaker, at this time I insert into the CONGRESSIONAL RECORD an article by Lester Markel, the associate editor of the New York Times. It states well the views of one of the Nation's outstanding journalists, one who has had more than usual contact with educational broadcasting and knows the potential of it. The article is tough minded and calls a spade a spade.

I should add that Mr. Markel did testify in the Senate in support of S. 1160, and did an excellent job. He pointed out in his testimony, for example, that public television is needed because private TV does not provide the interpretation of the news or the perspective on it and I say in these days of complex affairs, presentations of facts without exposition of the meaning of those facts has little significance. As in the public affairs area greater efforts and new approaches are required in the cultural area. It is obvious that one of our great problems of the future—it may be our greatest problem—is the use of nonworking time which as a result of automation is likely to increase sharply. Television can provide programs for leisure time and it can supply guideposts for other leisure activities.

Mr. Speaker, I insert this article at this point in the RECORD:

PUBLIC TELEVISION: A "NATIONAL RESOURCE"

(By Lester Markel)

The bill for Public (educational or noncommercial) Television has been passed by the Senate with dispatch and emphatic endorsement. In the House the going is likely to be much rougher. Now is the time for all good men to come to the aid of the parties that are deeply concerned—the educational broadcasters, the devoted listeners, the public at large. For this is, as Senator Percy put it, "milestone legislation" representing "a strong national commitment to the development of a vital national resource."

The case for Public Television is simply stated. Television can be a potent force in achieving a better-informed public opinion and in advancing the cultural state of the nation. Commercial television has not done the job and it is not likely to do so, for the very reason that it is commercial.

GAPS IN COMMERCIAL TV

The news broadcasts comprise, for the most part, a headline service; often they supply drama, but they lack depth. The cultural contributions are sporadic, even though at times they are of high order. But the most telling count in the indictment is that of timing; the evening, the important hours, for the most part, add up to a desert area with few oases.

In all three areas—information, culture and program time—Public Television can fill the gaps.

In the information area, Public Television can perform the urgent assignment of presenting the news in an understandable way, providing news in perspective, news in the broadest sense, including significant trends as well as the spot events. In addition, it can present well-ordered and well-moderated debates on the pressing issues of the day.

OPENING NEW VISTAS

In the cultural area, Public Television can open new vistas; it can provide programs on a consistent basis, supplying more theater, more music, more art, more discussion on books—more philosophy if you will. None of these proposals rules out entertainment; the suggestion is only that entertainment be provided on a higher level.

The effort should be local as well as national. It is, of course, highly desirable to present great drama, grand opera, grander art; but it is also highly useful to tap the resources of communities and universities, to explain the newest show at the art center, and to cooperate with the local libraries in indicating the joys of reading.

Above all, Public Television can provide prime stuff in prime time—programs that have high quality without being "highbrow"—good entertainment as well as good talk; footnotes as well as headlines.

But these arguments will not prevail unless two handicaps are overcome: public apathy and Congressional doubt.

The approach to the public has been vague and confused. There has been no convincing demonstration that Public Television can do a genuine job both of enlightenment and of entertainment. Most of the talk has been of techniques rather than content. Admittedly, conduits are essential, but the nature of the flow through the conduits is of prime importance. Thoreau's warning of the past still applies: "We are in great haste to construct a magnetic telegraph from Maine to Texas. But Maine and Texas may have nothing to communicate."

FACING UP TO DOUBTS

The Congress must be educated to the importance of Public Television and to the vital need of assuring its independence. At the moment Congress pays lip service to the concept, but it has a basic fear that a Government-supported medium of communication will be used for propaganda purposes. This is a deep fear, but it is unfounded; B.B.C. is a prime example of how the task can be independently performed. Such doubts cannot be ducked (it has been proposed, for example, that public funds shall not be used for news); they must be squarely faced.

Public Television in the true sense requires an annual expenditure of more than a quarter-billion dollars. Private funds are surely desirable, but the greater part of the moneys will have to come from the Federal Government. This is a small price to pay for so large an achievement.

THE BIG STEP UP

There is a potent argument for appropriating public funds for these purposes. The Federal Government has long recognized the need for education in the schools and colleges; the principle applies equally to adult education, which Public Television virtually is. A Public Broadcasting Act can be compared with the Land Grant Act of 1862; both can be considered momentous steps toward mass higher education.

There is, in sum, much goodwill toward the idea of Public Television; there is the conviction that something should be done; there are many brave and vague pronouncements. But more than goodwill, acquiescence and kind words are needed. There must be agreement on objectives, harmony of action and cold cash.

For through Public Television we shall be able to achieve, possibly not an enlightened majority, but surely a much larger enlightened minority—and thus will the state of the Union be notably advanced.

PEPPER SUPPORTS ANTIRIOT PROPOSAL

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to voice my complete accord with my distinguished colleagues, the gentlemen from Florida [Mr. CRAMER and Mr. GIBBONS], on the dire need for effective antiriot legislation.

At the same time that I do not condone riots of any nature, I feel very strongly that some effective sanctions are required to deal particularly with outside agitators, whose sole aim is to cause arch violence.

I voted for and cosponsored Mr. CRAMER'S antiriot bill which he tried to make a part of the 1966 Civil Rights Act, that would have prohibited interstate travel of persons attempting to incite riots and violent civil disturbances. Unfortunately, this extremely important measure died when the Senate failed to take action on the Civil Rights Act.

This year I again cointroduced and wholeheartedly support a bill to prevent interstate travel of persons attempting to incite riots and violent civil disturbances.

I support any action which would bring such a bill to the immediate attention of this House, and would like to commend my colleagues for their unstinting efforts. I was especially gratified to learn that through my efforts in the Rules Committee and those of my colleagues, the Chairman of the Rules Committee has taken the pending measures for the implementation of an antiriot bill, so desperately needed by this Nation, under consideration.

Meetings, marches and demonstrations are an integral part of the American way of life, and when the life of any American is endangered through professional agitation for violence, we must institute immediate action to stamp out the roots of this potential danger.

A TRIBUTE TO THE LATE GRENVILLE CLARK

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Speaker, this winter our country suffered the loss of a great and noble gentleman who to the end sought a workable strategy for attaining world peace. The death of Grenville Clark at a time when nations are in such turmoil leaves a shadow over hopes for world peace.

The eulogy which follows was written by Walter J. Leonard, a student at the Howard University School of Law and Chairman of the Student Forum on International Order and World Peace. The Student Forum was founded as a result of Mr. Clark's belief and devotion to the concept that world order can be achieved through world peace. Mr. Leonard is a third year law student from Atlanta, Ga., and serves as Justice of the Langston Chapter of Phi Alpha Delta Legal Fraternity. He is a long associate of the Clark family and delivered the following tribute to Mr. Clark at the funeral:

The death of Grenville Clark has left the world considerably poorer. His unceasing devotion to the study of world problems and the proliferation of disputes and conflicts attendant to these problems does not admit of an equal in the foreseeable future.

While Grenville Clark was a resident and domicile of Dublin, New Hampshire, and the United States, he was a citizen of the World. His thought and concern were global in breadth. The degree and extent of his interest were bounded only by the outer reaches of man's desire to live in a world of peace and plenty, a world absent unrest and instability.

Mr. Clark advocated the establishment of a world disarmament and development organization to supplement the United Nations. It was his belief that an article by article revision of the United Nations' Charter was necessary if that body were to become an effective instrument, capable of promoting a general and complete disarmament under an enforceable system of World Law.

The extent and degree to which the mind and manner of Grenville Clark will be manifest in the future of world order depends, it seems to me, on how sincere the world's leaders, and to a great degree the people of the world, are in their announced hopes and purposes toward mandating an existence for mankind absent the scourge of war. Mr. Clark, jointly with Professor Louis B. Sohn of the Harvard University Law School, authored "World Peace Through World Law." This important volume was and is meant to operate as a blueprint in the strengthening of the United Nations by drastically revising its Charter, thereby empowering it to deal effectively with a world beset with international, transnational and multinational questions, most of which are pregnant with issues capable of catapulting the terrestrial globe into a nuclear holocaust.

As Chairman of the Student Forum on International Order and World Peace, I salute the man and the memory that was and is Grenville Clark in the name of our members and supporters everywhere, commending to everyone in whose presence this may come, the words of the man, himself, in their clear, cogent and convincing argument for the effectuation of a system of law, on a world scale, enforceable against international violence:

"Mankind has never devised any method to maintain stability and order within local community, province, state or nation save effective law against violence, with necessary institutions to this end, including a legislative body, tribunals to interpret and apply the laws and police to deter or apprehend violators.

"Until the simple truth is grasped by more people everywhere that a corresponding system on a world scale is indispensable, it is normal and inevitable that the arms race with its vast waste of human resources and energy will continue with consequent recurrent conflicts."

Mr. Clark believed that in a "civilized world" war and international lawlessness are both intolerable and inexcusable.

CARDINAL RITTER, ARCHBISHOP OF ST. LOUIS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ICHORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ICHORD. Mr. Speaker, the death of Cardinal Ritter, archbishop of St. Louis, has brought shock and sorrow, not only to the archdiocese of St. Louis, but also to all who shared his deep devotion to the causes of religious liberty and equality and justice for all and his dedication to duty and religious principles.

Cardinal Ritter, born in Indiana, became the first archbishop of Indianapolis in 1944, and was appointed archbishop of St. Louis in 1946, succeeding the late John Cardinal Glennon. He was made cardinal by Pope John XXIII in January 1961. During Joseph Ritter's score of years as archbishop of St. Louis, he identified and distinguished himself as a quietly effective leader in the renewal of the Catholic church and in its involvement in the world. The influence which he lent to civic, State, and national affairs and issues became hallmark contributions reflecting an expertise in matters even far afield from his position in the clergy. His enthusiastic leadership was evident in ecumenical activities and lay involvement in archdiocesan planning. As a member of the Second Vatican Council, he evinced strong American influence into the deliberations.

The character of Cardinal Ritter, composed of constructive but contradictory elements, was nevertheless a balanced and rounded character. He has been described as "at once firm and tough," as warmly human and as a man of flashing temper, as a man of unyielding holiness but one firmly determined to achieve idealistic goals in a realistic manner. He was, in fact, a man whose consistent devotion to peace and justice led him to speak softly, but in decisive terms and tones, and to act, in every way that lay within his power, in behalf of the well-being and dignity of all men. Truly, God has been well served by such a priest, and bishop, and his memory will be blessed for generations to come.

MEAT INSPECTION ACT AMENDMENTS ARE DESIRABLE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVERETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EVERETT. Mr. Speaker, I wish to state that I have been greatly encouraged by the administration's proposal to amend the Meat Inspection Act, through which the inspection of our meat supply would be greatly strengthened and the consumer better protected.

Assuring the wholesomeness and truthful labeling of all meat and meat products is basic to the health and welfare of this Nation. It is a vast responsibility which cannot be taken lightly, for it touches the lives of nearly 200 million Americans every day.

The high standard of living which Americans enjoy, the prosperity and

potential for the American food industry, the availability of present and future markets for the products of American farmers, all are greatly dependent on the integrity of our meat supply.

The present Meat Inspection Act was enacted over 60 years ago, at a time when the wholesomeness of this Nation's meat supply was questioned both here and abroad. At that time, not only was the health of the Nation in jeopardy, but so were the foreign markets for our meat products.

Today, our federal system of meat inspection serves as a model for the world. American consumers bask in the enjoyment of the highest standard of protection we can provide concurrent with present authority. We can take pride in this system, for it is a good one that has met the needs of the Nation up to the present time. The administrators of this program are dedicated men, who continually seek improvements within the boundaries of the present act.

Nevertheless, the present Meat Inspection Act has been amended only once since it was enacted six decades ago. We have seen massive technological advancements in the meatpacking industry since then—advancements which have created problems not conceived of by the drafters of the original act.

The whole structure of the industry has undergone considerable change just in the past decade or two. The slaughtering plants which were once centralized around key metropolitan centers like Chicago have dispersed their operations into livestock feeding areas.

On the other hand, those plants which process and manufacture meat products tend to locate away from the farm areas closer to large population centers. In addition, these plants have become highly specialized so as to reap the rewards of automation and high volume operation.

A whole new segment of the industry has been born, for the sole purpose of buying carcasses, boning them out, and supplying frozen boneless meat to the processing plants. With the development of new, high-speed equipment, these frozen blocks of meat can be processed more efficiently than fresh meat, cutting labor and processing time to a minimum.

Compounding the problems created by these structural changes is the fact that the number of so-called convenience foods has greatly increased. To minimize costs and maximize volume, processors have developed numerous chemical and other "fast" curing processes, artificial tenderizing and smoking, preservatives, coloring agents, and other additives that enhance consumer acceptance and prolong shelf life. But, they may also be deceptive or dangerous to one's health when their use is not regulated.

These structural and technological changes in the industry have greatly complicated the inspection of meat and meat products. More and more inspectors are required to adequately supervise the greater number of plants to insure wholesome products and sanitary operations. More sophisticated inspection procedures, including greater use of laboratory tests, are necessary to insure safety, freedom from adulteration, and truthful labeling of processed products.

The present Meat Inspection Act does not provide the framework under which the modern meat processing industry can be supervised to adequately protect the consumer. Changes are needed in this 60-year-old statute if the consumer is to receive the same high standard of protection which she has enjoyed over the past years.

State and local governments have found it increasingly difficult to marshal support for stronger meat inspection laws. Likewise, they have not obtained the increased manpower and financial resources necessary to provide continuous inspection of products not covered by the Federal Meat Inspection Act.

What is needed is a coordinated program under revised statutory authority wherein Federal and State governments can work together with modern laws to meet the challenges of the future.

The administration's proposal to amend the Meat Inspection Act is designed to fill the void that time and change have created. I commend this legislation to you for favorable consideration.

A DIATRIBE DELIVERED BY INDIAN PRIME MINISTER INDIRA GANDHI

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RESNICK. Mr. Speaker, speaking as one American, I am tired of being kicked in the pants every time I bend over to load another sack of food to ship to a hungry nation.

I am referring to the diatribe delivered earlier this week by Indian Prime Minister Indira Gandhi. Addressing an Indian audience, Mrs. Gandhi said that she was sure that more abundant aid would be forthcoming from the United States if India agreed to set up a capitalist system. She also said that India is not getting aid without pressure.

I have heard many attacks leveled against the United States and our foreign policy. But, I have never heard one that is less deserved than Mrs. Gandhi's.

Mr. Speaker, I would like to express my condolences to the people of India, for, according to their Prime Minister, we are forcing them to take our food, medicine, money, machinery, and trained, talented personnel. Her recent statements made it sound as if, against their will, and only at our insistence, India has been accepting our treasure and our talent.

Of course, you realize, this is a paltry sum—merely $3,566,700,000, in the last 5 years alone. This is not counting the cost of over 400 Peace Corps volunteers, or the many private agencies such as the Ford Foundation, that have been enjoying India's delightful climate, fascinating social scene, and exquisite living conditions.

I really think, Mr. Speaker, the time has come for us to stop inflicting upon India the fruits and abundance of our miserable capitalist system. Of course, I understand our Indian friends consider their socialist system superior to our decadent capitalism, and I am sure it must be more satisfying morally, spiritually, and theoretically. Unfortunately, however, even the Indians realize that you cannot feed starving children with morals or cure sick mothers with theories.

Has there been the pressure on India that Mrs. Gandhi alleges? As a member of the House Committee on Agriculture, I can state with authority that the only pressure ever exerted on India was to ask her to modernize her agricultural economy, to get fertilizer plants built so that the Indian people could be fed wheat and rice, not theories and doctrines. I recall vividly the day in April 1966, when we were summoned to the White House and President Johnson requested that our committee report out a resolution which would make available immediately to India an additional 8.2 million tons of wheat, plus rice, milk, and other foodstuffs in order to keep 25 to 40 million Indians from dying of starvation. If there was ever a time when one country had another country over a barrel—and in a position to apply pressure—it was then. We asked for nothing, and we received even less—for we never even got a thank you from anyone in the Indian Government.

In her message attacking us, Prime Minister Gandhi professed a great admiration for Egypt as a "force for progress." What kind of progress is it when a poor and starving nation such as Egypt invests $2 billion in the machines of war instead of the tools of peace—water, fertilizer, tractors, factories, and education. Perhaps one of the reasons India cannot feed herself is that she looks up to Egypt as a progressive country. This is a fine example, for next to India, Egypt produces less food per capita than any other country in the world.

Mrs. Gandhi has apparently forgotten that when India once again turned to us in desperation during her hour of most pressing need earlier this year, once again it was the United States that quickly and generously responded with as much assistance as we could possibly give. When this body passed a resolution on March 10, 1967, which provided 172,000 tons of additional assistance to India, it was in addition to the 2.2 million tons we have made available to that hunger-ravaged nation during this year alone.

How much aid did India receive from her dear friend, Russia, during this moment of need when thousands of human beings were dying of starvation? Absolutely zero, Mr. Speaker—no wheat, no medical supplies, no concern for the deaths of thousands. What kind of unfair pressure is it, I would like to know, to ask other nations of the world to match our grants to India. No one could seriously contend that we have done as much as is humanly possible. Is it so strange to ask others in the community of nations to share this responsibility? I fail to see how this constitutes unfair pressure on India.

It would do Mrs. Gandhi well to reexamine her sense of values. Her current

values lead her to glorify Egypt as progressive and Russia as a true and trusted friend. It is tragically ironic that this country, which has suffered so much, has not yet learned who her true friends are. Neither has it learned that the patience and generosity of even the United States can be exhausted.

Speaking as one American, my patience is quickly becoming exhausted. I am tired of being kicked in the pants every time I bend over to load another sack of food to ship to a hungry nation.

Maybe the time has come for the United States to seek a new vehicle, a new policy for helping the starving and diseased millions of India and the rest of the world. It seems that their leaders are more interested in following the siren song of world politics and power than in listening to the cries of hunger and despair from their starving masses.

If I were prime minister of a country that has the terrible and tragic problems of India, I would concern myself with methods of pouring food into my country rather than in ways of pouring rhetoric out of it.

If Mrs. Gandhi spent more time finding ways to feed those millions of Indians who are dying for lack of food and spent less time criticizing her one true friend, there would be many Indians alive today who are now dead for lack of food and medicine.

If Mrs. Gandhi is happier in her ivory tower shooting arrows at the United States rather than answering the cries of hunger from her starving people, I think it would be most inconsiderate of us, Mr. Speaker, to deny her her pleasures. However, we all know the tragedy of Nero who fiddled as Rome burned. It seems to me that we are seeing Mrs. Gandhi preach while India starves.

THE PEACE PALACE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RARICK. Mr. Speaker, with the breakdown of world confidence toward peace through the U.N., other peace mechanisms are now being examined.

Mr. Speaker, I insert in the RECORD varied comments on the Truman Center for Peace in Jerusalem and the JFK Memorial from the Israel Information Service and compilation of Presidential Documents:

[From News From Israel, Jan. 31, 1966]

L.B.J. AT DEDICATION OF TRUMAN CENTER FOR PEACE IN JERUSALEM

The establishment of a Harry S. Truman Center for the Advancement of Peace, a multi-million-dollar project dedicated to applying scientific methods to the isolation and removal of the causes of war, was announced in Independence, Mo., on January 20. Present at the dedication were President Johnson, former President Truman, Chief Justice Warren, Mr. Arthur Lourie, Deputy Director-General of the Israel Foreign Ministry, Mr. Eliahu Elath, President of the Hebrew University and other distinguished guests. The Center will be situated on the campus of the Hebrew University of Jerusalem in Israel.

A VISION RECALLED

Referring to Mr. Truman as "one of the world's most persistent seekers for peace," President Johnson cited the words of the former Chief Executive:

"And so, Mr. President, as we dedicate in your honor the Harry S. Truman Center for the Advancement of Peace, we recall the vision that you gave us to follow in your farewell address.

" 'I have a deep and abiding faith in the destiny of free men,' you said. 'With patience and courage we shall some day move on to a new era—a wonderful golden age—an age when we can use the peaceful tools that science has forged for us to do away with poverty and human misery everywhere on earth.'

"That is still our goal, Mr. President, and now we are redoubling our efforts to achieve it."

PARALLEL CEREMONY IN JERUSALEM

Simultaneously, the event was marked in Jerusalem at a ceremony at which tribute was paid to former President Truman by the President of Israel, Mr. Zalman Shazar, Foreign Minister Abba Eban, U.S. Ambassador Walworth Barbour, Prof. Nathan Rotenstreich, Rector of the Hebrew University, Israel Supreme Court Justice Haim Cohn and others.

In a cable to Mr. Truman, President Shazar said:

"In setting up this Center, so fittingly bearing your name, the people of Israel see an opportunity once more to express our deep gratitude for your historic role in the birth of the State of Israel and of the warm friendship we feel for you and Mrs. Truman. May the Truman Center advance the study and teaching of those immortal ideals which saw the light of day in Israel long ago, and which you have done so much to preserve and further in our own time."

A $10 MILLION STRUCTURE

The Truman Center will be housed in a $10 million structure whose design will be selected in an international architecture competition. It will be governed by an international committee of trustees.

Thirty-seven donors who contributed $100,000 each, through the American Friends of Hebrew University of Jerusalem, were introduced as Founders of the Truman Center. It was also announced that the Center will award an annual $50,000 Truman Center Peace Prize as part of its comprehensive anti-war program.

In a university setting at the crossroads of the modern and ancient worlds, peace will become a teaching discipline and the framework for investigations in depth. For the first time, subjects ranging from the physical sciences to metaphysics will be studied along guidelines seeking to alleviate sources of friction.

In the words of Hebrew University President Eliahu Elath, the Center "will carry on studies and research in subjects relating to international relations such as international law, comparative religion, Asian and African studies, political theory and philosophy, with emphasis on problems of education. Special projects will draw on Israel's experience in social and cultural integration of plural communities from widely varying backgrounds."

The Center will also house the Martin Buber Library, the official United Nations Library in Israel, the library of the university's Institute of African and Asian Studies and parts of Albert Einstein's personal library.

[From the Israel Digest, Vol. IX, No. 14]

TRUMAN PEACE CENTER OPENED

A message from ex-President Harry S. Truman was read at the cornerstone-laying ceremony of the Harry S. Truman Center for the Advancement of Peace on 11 July. The ceremony was held on the campus of the Hebrew University of Jerusalem, of which the Center will be a part, in the presence of Acting President Kaddish Luz, under the chairmanship of Mr. Eliahu Elath, President of the University.

Addresses were delivered by Prime Minister Levi Eshkol, Mr. Thurgood Marshall, Solicitor General of the United States, Prof. Nathan Rotenstreich, Rector of the University, Mr. Samuel Rothberg, Chairman of the Board of the American Friends of the University, and Mr. Teddy Kollek, Mayor of Jerusalem. Mr. Truman's message was read by Mr. David Noyes, his personal representative.

The following are extracts from the message and the addresses:

PRESIDENT TRUMAN'S MESSAGE

We come here to rededicate our means, our skills, our moral and intellectual resources, to a cause that has priority on the minds and hearts of the leaders of all nations.

It is unthinkable that, with the huge stockpiles of nuclear arsenals, and with missiles with nuclear warheads poised on their pads for instant assault, that there could be a valid reason why any Government would refuse to come to terms with its neighbors.

We meet here to try to make a fresh start. Here at the Center for the Advancement of Peace we will give serious consideration to any new practical approach that could help to advance the cause of peace.

All will be welcome here, who desire to join in our common search for the ways of peace. There are no restrictions as to national origin, ideological commitment or religious differences.

I continue to have a deep faith in man's nobler side and his rightful destiny; all he needs is to be given a fair chance. This I believe to be the essence of the great American dream.

A dream of a world without war, without want, without misery.

The Center for the Advancement of Peace is now part of that dream.

PRIME MINISTER ESHKOL

It is difficult for our people to express the depth of its feelings for Harry Truman. Harry Truman, like Cyrus in his day, has not only earned honorable mention in the history of Jewry; he has become an inseparable part of our people's deepest inner consciousness.

At the dawn of our redemption, as we stood, few against the many who were seeking to throttle Israel's independence in its infancy, Harry Truman announced the United States' recognition of the independent State of Israel—a step which was the climax of his activities in favor of its establishment.

We here in this country count ourselves fortunate in that Israel has been associated by Harry Truman with his aspiration for peace. We welcomed his idea that in Jerusalem, the city of prophecy and peace, an international center for the advancement of peace should be established.

I hope that this great project will fulfill its aims and make a notable contribution to peace in our area and in the world as a whole. In the words of the prophet: "How beautiful upon the mountains are the feet of the messenger of good tidings, that announceth peace, the harbinger of good tidings, that announceth salvation." (Isaiah 52:7)

MR. THURGOOD MARSHALL

This ground-breaking is an occasion so unprecedented, so pregnant with hope for man, so charged with possibilities for the future,

that I count this among the inspiring moments of a lifetime. To be a witness and a participant here today is truly to be among the chosen people.

If the Center represents an act of faith in the capacity of the human spirit to quell its ancient foes, I for one take heart and hope from the fact that such acts of faith seem to thrive on this soil.

It was here, after all, on this soil, amidst this people, that men first began to turn their backs on the gods of war and lust and discovered a God of law and love.

It was here, too on this soil, that men first found the abiding principles of a social order worthy of man. It was here that we first perceived the uniqueness and integrity of every human being.

MR. ELIAHU ELATH

It is doubtful whether there is any city in the world more fitting as the home of an institution aimed at advancing the cause of world peace than Jerusalem, the Holy City.

It was here, in Jerusalem, that the Prophet Isaiah conceived his vision of the time when the peoples of the world would beat their swords into ploughshares and their spears into pruninghooks, when "nation shall not lift up sword against nation, neither shall they learn war any more."

It was in Jerusalem, the Eternal City, that the Hebrew University was established. Situated in this unique site, the Hebrew University regards it as its sacred duty to ensure that the Truman Center, which is an integral part of itself, will justify its existence by measuring up to the tasks and the ideals which brought it into being.

MR. SAMUEL ROTHBERG

It is we who are honored today, for Harry Truman has deemed us worthy to be his partners, to help realize his vision, which is the hope of mankind from time immemorial—the vision of universal peace.

The founders who made this Center a reality, and who had the privilege of participating in the inauguration of the Truman Center in Independence, Missouri, this January in the presence of President Johnson, were deeply moved by President Truman's closing remarks. He said:

"When the day comes—when it is time to close the book of my life—I will be comforted by the hope that this Center for the Advancement of Peace will become a major source of light and reason towards the achievement of eternal peace."

TEXT OF SCROLL—RECORDING THE CORNERSTONE-LAYING OF THE HARRY S TRUMAN CENTER FOR THE ADVANCEMENT OF PEACE

On the twenty-third day of Tammuz, 5725, eleventh of July, 1966, in the nineteenth year of the State of Israel, the cornerstone was laid of the Harry S Truman Center for the Advancement of Peace on the Givat Ram campus of the Hebrew University of Jerusalem.

The building to arise on this site will become a center for studies dedicated to the pursuit of peace, which, it is hoped, will make a significant contribution to the fostering of international harmony and the advancement of cooperation between the peoples of the world.

Situated as it is at the Hebrew University, in the City of Jerusalem, from which the ancient Jewish prophets sent forth their message of universal brotherhood, it will symbolize the lofty ideals towards which mankind has aspired throughout the ages.

The Center is appropriately named for Mr. Harry S Truman, who has been deeply concerned with the cause of peace throughout his life and whose unshakable belief in a world-wide rule of reason has been the inspiration of many nations.

The Center is being built as an expression of the profound gratitude and appreciation which the Jewish people feel for the thirty-third President of the United States, who was responsible for his country's support of Israel before its establishment and for the historic fact that his Government was the first of any to grant the State of Israel recognition after the proclamation of independence.

The funds for the establishment of the Harry S Truman Center have been generously provided by Friends of the Hebrew University in the United States and in other parts of the world.

This cornerstone is laid in a spirit of profound faith that war is not inevitable, that knowledge and understanding are basic prerequisites for the attainment of peace, and that the Harry S Truman Center will make a measureable contribution towards the realization of an aim of vital concern to humanity as a whole.

[From News From Israel, July 29, 1966]

TRUMAN PEACE CENTER IN JERUSALEM

A message from ex-President Harry S. Truman was read at the cornerstone-laying ceremony of the Harry S. Truman Center for the Advancement of Peace on July 11. The ceremony was held on the campus of the Hebrew University of Jerusalem, of which the Center will be a part, under the chairmanship of University President Eliahu Elath and in the presence of the Acting President of Israel, Mr. Kaddish Luz, and other dignitaries.

Addresses were delivered by Prime Minister Levi Eshkol, Mr. Thurgood Marshall, Solicitor General of the United States, Prof. Nathan Rotenstreich, Rector of the University, Mr. Samuel Rothberg, Chairman of the Board of the American Friends of the University, and Mr. Teddy Kollek, Mayor of Jerusalem. Mr. Truman's message was read by Mr. David Noyes, his personal representative.

The following are extracts from President Truman's message and from Prime Minister Eshkol's address:

PRESIDENT TRUMAN

"We come here to rededicate our means, our skills, our moral and intellectual resources, to a cause that has priority on the minds and hearts of the leaders of all nations.

"It is unthinkable that, with the huge stockpiles of nuclear arsenals, and with missiles with nuclear warheads poised on their pads for instant assault, there could be a valid reason why any Government would refuse to come to terms with its neighbors.

"We meet here to try to make a fresh start. Here at the Center for the Advancement of Peace we will give serious consideration to any new practical approach that could help to advance the cause of peace.

"All will be welcome here who desire to join in our common search for the ways of peace. There are no restrictions as to national origin, ideological commitment or religious differences.

"I continue to have a deep faith in man's nobler side and his rightful destiny; all he needs is to be given a fair chance. This I believe to be the essence of the great American dream: a dream of a world without war, without want, without misery.

"The Center for the Advancement of Peace is now part of that dream."

PRIME MINISTER ESHKOL

"It is difficult for our people to express the depth of its feelings for Harry Truman. Harry Truman, like Cyrus in his day, has not only earned honorable mention in the history of Jewry; he has become an inseparable part of our people's deepest inner consciousness.

"At the dawn of our redemption, as we stood, few against the many who were seeking to throttle Israel's independence in its infancy, Harry Truman announced the United States' recognition of the independent State of Israel—a step which was the climax of his activities in favor of its establishment.

"We here in this country count ourselves fortunate in that Israel has been associated by Harry Truman with his aspiration for peace. We welcomed his idea that in Jerusalem, the city of prophecy and peace, an international center for the advancement of peace should be established.

"I hope that this great project will fulfill its aims and make a notable contribution to peace in our area and in the world as a whole. In the words of the prophet (Isaiah 52:7): *'How beautiful upon the mountains are the feet of the messenger of good tidings, that announceth peace, the harbinger of good tidings, that announceth salvation.'"*

The founders of the Truman Center have thus defined its basic mission: "to supply scientific methods to seek out for the world's troubled citizenry the means to achieve peace for which all men hunger."

The educational structure of the Truman Center will have, as its base, teaching and research units which deal with varying aspects of international relations. These will include, among others, African and Asian studies, Comparative Religion, International Law, International Relations and Sociology.

An international committee of trustees is being organized for the Center. This group of distinguished personalities from various countries will include statesmen, scholars, clergy, United Nations officials, writers and men of the people who have made significant contributions in international peace efforts.

The ultimate symbol of the Truman Center, its founders say, will be young people from contending nations, seated side by side, learning how to replace mutual distrust with understanding based on knowledge.

DEDICATION OF J. F. K. MEMORIAL

An impressive memorial to the late President John F. Kennedy was dedicated on July 4 in the Jerusalem hills, not far from Israel's capital, in the presence of Mr. Earl Warren, Chief Justice of the U.S. Supreme Court, the Acting President of Israel, Mr. Kaddish Luz, Prime Minister Levi Eshkol, and other public figures, as well as many hundreds of Israelis and Americans now in Israel.

The circular, 65-foot-high edifice, constructed by the Jewish National Fund with the support of the American Jewish community, takes the form of a giant tree-trunk, severed like the tragically ended life of the young President, while the 51 concrete pylons that make up the walls represent the States of the Union and the District of Columbia. A single shaft of light from an opening in the saw-tooth roof falls upon a bust of Kennedy by the Israeli sculptor Dov Freigin.

ON A CLEAR DAY

Standing on a hilltop more than 2,700 feet above sea-level, the memorial affords a majestic view, through the glass windows between the pylons, of Biblical Judea for many miles all around. On a clear day there is an unobstructed view, to the west, right down to the Mediterranean coast.

A huge forest is being planted by the J.N.F. on these barren hills, called the John F. Kennedy Peace Forest and bordering on the America-Israel Freedom Forest.

Dedicated to the concept of world peace and to the bonds of friendship between the people of Israel and the U.S.A., the millions of trees of the forest will be contributed by Jews and non-Jews.

WARREN BRINGS L. B. J. GREETINGS

In his address to the gathering, Justice Warren described the combination of the Memorial Monument and the Peace Forest as "the impressive living memorial to our late President," and recalled that President Kennedy "had a very special feeling for the nation (of Israel) and an unwavering confidence in its future."

Justice Warren brought "cordial good wishes" from President Johnson "to the peo-

ple of Israel and to all those Americans who have made this Memorial possible."

[From Weekly Compilation of Presidential Documents, Jan. 24, 1966]

THE HARRY S. TRUMAN CENTER FOR THE ADVANCEMENT OF PEACE

(The President's remarks in Independence, Mo., at the ceremony announcing the establishment of the center, January 20, 1966)

President Truman, Mrs. Truman, Mr. Chief Justice, Senator Symington, Senator Long, Members of the Missouri delegation in the Congress of the United States, Senator Anderson, Congressman Boggs, ladies and gentlemen: I come back to Independence to be with one of the world's most persistent searchers for peace in the world. It is quite fitting that this day is set aside for the announcement of the Harry S. Truman Center for the Advancement of Peace in the world.

I first want to congratulate the men here today whose generous public spirit is making this Center possible.

I take my text from the words which President Truman spoke just 17 years ago in his inaugural address of January 20, 1949.

"We must embark," he said, "on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and the growth of underdeveloped areas in the world."

This was, as we know now, point 4. It was a bold and vital idea then, and it is just as bold and just as much alive as we meet here this afternoon.

The initial point 4 program of technical assistance was enacted in 1949 and has continued from that day to this. Congress after Congress has continued to appropriate to that program—with growing confidence—sums which now, I believe, add up to more than $3 billion. American experts have traveled the globe to every continent, bringing their skills to the worldwide war against ignorance and against hunger and against disease.

And to measure the success of this effort we have only to ask: What would the world be like today if President Truman had not launched this program?

In this year 1966, I am proposing, on behalf of our Nation, a major new effort in this same field that he began so long ago, and I am proud to add to the point 4 of President Truman, the fourth principle of this year's State of the Union speech: "to help improve the life of man."

How will we help improve the life of man?

First, we propose a radical increase in our response to the needs of international education. There can be no decent life for any man or any people without education.

The International Education Act of 1966 will help build partnerships between American and foreign schools.

It will recruit teachers for overseas work.

It will make possible long-term commitments by American universities toward solving the problems of international education.

It will launch a series of projects to attack illiteracy and to find new ways to teach basic skills. It will begin to provide for an Exchange Peace Corps to bring able young people from other countries to live and work here with us.

Second, we are going to enlarge our work for world health. And the twin of the International Education Act will be the International Health Act of 1966.

And with that act we will strike at disease by establishing an international medical mission in our Public Health Service.

We plan to triple our effort to train medical manpower in the developing countries.

We plan to double the size of our nutrition program for mothers and for children. We plan to increase by 80 million those who will receive adequate diets.

We plan to set targets and to develop programs so in the next decade we can completely wipe out smallpox in the entire world. We can eliminate malaria in this hemisphere and large parts of Africa and Asia. We can end yellow fever in this hemisphere, and we can find new controls for cholera, rabies, and other epidemic diseases.

Third, we will launch a major new attack on worldwide hunger. We will present this year a new food aid program, designed around the principle of intense cooperation with those in all hungry countries who are ready to help themselves. We will direct our assistance program toward a cooperative effort to increase agricultural production. We will ask the countries which we help to make the necessary land reforms—to modernize marketing and distribution—to invest greater energy and resources in their own food production.

And in return, we will triple our assistance to investments in the powerful weapons of modern agriculture—from fertilizer to machinery we will direct the efforts of our agricultural scientists to the special problems of the developing countries—to the development of new foods and concentrates. We will call for an international effort, including institutions like the World Bank, to expand the world supply of fertilizer.

Fourth, we will increase our efforts in the great field of human population. The hungry world cannot be fed until and unless the growth in its resources and the growth in its population come into balance. Each man and woman—and each nation—must make decisions of conscience and policy in the face of this great problem. But the position of the United States of America is clear. We will give our help and our support to nations which make their own decision to insure an effective balance between the numbers of their people and the food they have to eat. And we will push forward the frontiers of research in this important field.

Fifth, the underlying principle of all of our work with other nations will always be the principle of cooperation. We will work with those who are willing to work with us for their own progress, in the spirit of peace and in the spirit of understanding.

And while we work for peaceful progress, we will maintain our strength against aggression. Nothing is more false than the timid complaint that we cannot defend ourselves against the aggressor and at the same time make progress in the works of peace. A celebration which unites the United States is a fit time to reaffirm that energy in the defense of freedom—and energy and progress in the building of a free society—should be the common objectives of any free people, large or small.

Now this is the central necessity today of the brave people with whom we are associated in South Viet-Nam. Just this week, the Prime Minister of Viet-Nam has pledged his country to this necessity. He has spoken for progress in rural education, in housing, in land reform, and above all, of the need for progress in social revolution and in the building of democracy—by constitutional process and by free elections. All this he has said in the shadow of continuing aggression from the North. In all this he will have the full support of the United States of America.

And so, President Truman, as we dedicate today in your honor the Harry S. Truman Center for the Advancement of Peace, we recall the vision that you gave us to follow when you gave your farewell address, and I quote:

"I have a deep and abiding faith in the destiny of free men. With patience and courage we shall some day move on to a new era—a wonderful golden age—an age when we can use the peaceful tools that science has forged for us to do away with poverty and human misery everywhere on earth."

That is still our goal, President Truman. And now we are today redoubling our efforts to achieve it.

Today I informed President Truman of our worldwide efforts to move the violence of Southeast Asia to the table of peaceful discussions. I received a report this morning before I left Washington from Secretary Rusk and Ambassador Harriman on their recent travels. I shall be meeting with the Secretary and the Ambassador again later this afternoon. Both the Secretary and the Ambassador told me that in all the capitals they visited—and Ambassador Harriman went to almost a dozen—government leaders recognized the United States' genuine desire for peace in the world.

And of this one thing I am sure, the door of peace must be kept wide open for all who wish to avoid the scourge of war. But the door of aggression must be closed and bolted if man himself is to survive.

It is tragic that in the 1960's there are still those who would engulf their neighbors by force, still those who require that vast resources be used to guard the peace rather than to bring all the people in the world the wonders that are really within their grasp.

The central purpose of the American people is a peace which permits all men to remain free. But we must do more. We must work, and we must build upon the solid foundations, as the Chief Justice said, of law among nations. And this is America's determination, and this is America's commitment.

Now let me leave this one last thought with you. I think every schoolboy knows that peace is not unilateral—it takes more than one to sign an agreement. And it seems clear to all that what is holding up peace in the world today is not the United States of America. What is holding back the peace is the mistaken view on the part of the aggressors that we are going to give up our principles, that we may yield to pressure, or abandon our allies, or finally get tired and get out. On the day that others decide to substitute reason for terror, when they will use the pen instead of the hand grenade, when they will replace rational logic for inflammatory invective, then on that very day, the journey toward peace can really begin.

If the aggressors are ready for peace, if they are ready for a return to a decent respect for their neighbors, ready to understand where their hopeful future really lies, let them come to the meeting place and we will meet them there.

Here in the presence today of the great man who was the 33d President of the United States, who labored so long and so valiantly to bring serenity to a troubled world, the 36th President of the United States speaks with a voice of 190 million Americans: We want a peace with honor and with justice that will endure!

Now, President Truman, there is one more bit of business that I would like to take care of so long as I have come out here to Independence. I was here not long ago in connection with a little project that you inaugurated 2 decades ago, but when the fellows last night in the Social Security office learned that I was coming out here again to see you and Mrs. Truman today, they asked me to bring along your new medicare card.

And it is now my great pleasure to present here, in the presence of these distinguished friends of yours, and many of the young men of yesteryear who fought these battles with you, to bring you Card No. 1 for you, and Card No. 2 for Mrs. Truman.

They told me, President Truman, that if you wished to get the voluntary medical insurance you will have to sign this applica-

tion form, and they asked me to sign as your witness. So you are getting special treatment since cards won't go out to the other folks until the end of this month. But we wanted you to know, and we wanted the entire world to know that we haven't forgotten who is the real daddy of medicare. And because of the fight that you started many years ago, 19 million Americans will be eligible to receive new hope and new security when the program begins on July 1, and 19 million Americans have another reason, another cause to bless Harry S. Truman.

Again, I want to thank all of you who made this great day possible.

(NOTE. The President spoke at 11:15 a.m., c.s.t., at the Harry S. Truman Library at Independence, Mo. The Center will be established at Hebrew University in Jerusalem.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence (at the request of Mr. GERALD R. FORD) was granted to the following:

Mr. MORTON, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

Mr. STEIGER of Arizona, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

Mr. BURTON of Utah, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. HANSEN of Idaho (at the request of Mr. DUNCAN), for 60 minutes, on June 21; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. TEAGUE of Texas.

(The following Member (at the request of Mr. Moss) and to include extraneous matter:)

Mrs. SULLIVAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1577. An act to complement the Vienna Convention on Diplomatic Relations; to the Committee on Foreign Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Nanne; and

H.R. 4445. An act for the relief of Aurex Corp.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 38 minutes), under its previous order, the House adjourned until Monday, June 19, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

839. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff on March 31, 1967, pursuant to the provisions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

840. A letter from the Comptroller General of the United States, transmitting a report of review of policies and procedures for collecting judgments, fines, penalties, and forfeitures, Department of Justice; to the Committee on Government Operations.

841. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to settle the land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

842. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports of visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 10730. A bill to amend the Older Americans Act of 1965 so as to extend its provisions (Rept. No. 367). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10867. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 368). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 10934. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 10935. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 10936. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 10937. A bill to amend title 23 of the United States Code to add 1,726 miles to the National System of Interstate and Defense Highways, and to designate such additional mileage as the route for a highway on such Interstate System from Brownsville, Tex., to the North Dakota-Canadian border; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 10938. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 10939. A bill to amend the act of June 6, 1924, establishing the National Capital Planning Commission in order to provide for the preservation of the remaining historic landmarks in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PATTEN:

H.R. 10940. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 10941. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr. DENT, Mr. HOLLAND, Mr. BRADEMAS, Mr. CAREY, Mr. GIBBONS, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, and Mr. MEEDS):

H.R. 10942. A bill to amend and extend title V of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. QUIE, and Mr. AYRES):

H.R. 10943. A bill to amend and extend title V of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PIRNIE:

H.R. 10944. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 10945. A bill to amend title 39, United States Code, to revise the rates of postage on third-class mail; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 10946. A bill to reclassify certain key positions and increase salaries in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10947. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. BELL:

H.J. Res. 636. Joint resolution creating a

Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. DIGGS:

H.J. Res. 637. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 638. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period comprising the first full week in October of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 639. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. BOW:

H. Con. Res. 373. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ABERNETHY:

H. Res. 585. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GURNEY:

H. Res. 586. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. PIRNIE:

H. Res. 587. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WYLIE:

H. Res. 588. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WYMAN:

H. Res. 589. Resolution for the consideration of H.R. 421; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

239. The SPEAKER presented a memorial of the Legislature of the State of Connecticut, relative to taxation of social security benefits, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. REINECKE introduced a bill (H.R. 10948), for the relief of Gerardo B. Barbero, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

107. The SPEAKER presented a petition of the United Presbyterian Church, Philadelphia, Pa., relative to war and world order, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

How Many Physicians Charge the Patient for Telephoning a Change in Prescription to a Pharmacist?

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1967

Mrs. SULLIVAN. Mr. Speaker, I am wondering how many physicians charge the patient a fee for making a telephone call to a drugstore in order to change a prescription when the patient has suffered an adverse reaction from the medicine previously prescribed.

Strange as it may seem, this has become a matter of some controversy in the Federal Government.

According to the professional medical consultant group advising the Social Security Administration in connection with the operations of medicare, the general practice among physicians throughout the country is not to charge for telephone advice; in addition, the major private health insurance companies and Blue Shield apparently exclude charges for telephone advice from coverage. I would be inclined to think that a physician treating a patient would not be inclined to charge for such a thing as a change in a prescription he had already written out when the patient began to react to the medicine. However, I am raising the question now in this fashion in the hopes of calling it to the attention of the profession and the public for discussion purposes.

My interest grew out of a case involving a constituent who has had a series of very high medical bills, running into thousands of dollars. Unfortunately, many of his medical costs were disallowed under medicare on technicalities and in trying to help my constituent to get clarification on some of the points involving very large bills, I learned from him that one of the fees disallowed was for $4 for a telephone call the physician made to a drugstore. The patient had been taking a medicine to relieve pain and when this medicine caused nausea his wife called the physician at home at night to ask for help and the physician called the drugstore to substitute a different medicine. He then billed the patient $4 which was disallowed on the grounds that the service had not been provided in an office, home, or hospital visit. The medicare handbook, however, lists as a covered item "medical and surgical services by a physician wherever they are furnished."

As the patient wrote to me:

This service was furnished to me at home by the quickest method known today, by telephone. I could not make an office call after hours and he (the physician) will not make a house call if the telephone will suffice.

I took this up with the Social Security Administration because it seemed to me that this was a legitimate complaint which might involve millions of persons participating in medicare. It certainly is not the most important problem we have in connection with medicare, but I felt that unless there were a uniform policy, matters of this kind would confront us continually and cause extra work for every Member of Congress and great annoyance for participants in the medicare program.

TELEPHONE CONSULTATIONS NOT COVERED

Mr. Speaker, I have now received a report from Commissioner Robert M. Ball, of the Social Security Administration, on the specific case I called to his attention which sets forth a general policy which has now been adopted covering telephone consultations. I think there will be widespread interest among the Members in this policy statement which I submit herewith as part of my remarks, deleting the individual's name, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., June 13, 1967.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: In your previous correspondence with us on behalf of Mr. ——— one remaining question was left open which we have reexamined. In your last letter you mentioned that you would like an explanation of the policy that caused the denial of reimbursement of his $4 claim for payment of the physician's services rendered by telephone.

As you know, physicians' services rendered to a beneficiary are covered under the supplementary medical insurance part of the medicare program. The term "physicians' services" is defined in section 1861(q) of the Social Security Act as the professional services performed by a physician, including surgery, consultation, and home, office and institutional calls. ("Consultation" is the professional service rendered by a second physician at the request of the attending physician and includes the consultant's examination of the patient, his recordation of the patient's medical history, and his written report to the attending physician.) However, neither the statute itself nor the committee reports make any reference to the coverage (as a physician's service) of telephone conversations for any purpose between a physician and his patient.

We believe there are sound professional, as well as program reasons for not including telephone conversations between physicians and patients, including those in which the physician provides advice or instruction to or on behalf of a patient, as covered "physicians' services" under the medical insurance program. We have, for example, been advised by our professional medical consultant group that there is no uniform practice among physicians with regard to charging for medical advice furnished in the course of a telephone conversation. While our consultants did indicate that some individual physicians in some localities charge patients for telephone advice, it is clear that the general practice among physicians throughout the country is not to charge for telephone advice. In addition, examination of the practices of some of the major private health insurance companies and the Blue Shield Plans reveals that the practice among private health insurance organizations is to exclude charges for telephone advice from coverage under these private plans. Accordingly, both physicians and patients could generally be expected to understand the distinction between covered physicians' services and the noncoverage of telephone charges.

We regret that there was a misunderstanding about the statement on page 18 of the booklet, *Your Medicare Handbook*, to which Mr. ——— referred. The statement "wherever furnished" is intended to point out that the physical setting in which the physician furnishes his professional services in person

would have no effect upon the coverage of his services. It states in pertinent part as follows: "Benefits may be paid for the medical services you receive from a physician wherever they are furnished—in a hospital, in an extended care facility or nursing home, in his office, in your home, or in a clinic." When the Handbook is revised, an appropriate clarification of this statement will be considered.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

PATIENTS MAY WISH TO DISCUSS SUCH CHARGES WITH THEIR DOCTORS

Mr. Speaker, in view of the fact that it is somewhat rare, according to this report, for physicians to charge their patients for telephone advice, and in view of the fact that it is the general practice not to make such charges, and in view of the fact that they are disallowed by the major private health insurance companies, by Blue Shield, and now by Social Security under medicare, it would seem to me that when such a charge is made, the patient might mention these facts to the doctor.

At least I hope there will be some attention paid in the medical press as well as in the general press, to the facts in the report I have received from the Social Security Administration.

An individual who has had thousands of dollars in medical fees and hospital bills following major surgery is not going to find a $4 fee for a telephone consultation to change a prescription the difference between solvency and bankruptcy, but this $4 added to other items disallowed for one reason or another in a large bill is exactly the kind of thing which infuriates people. Under the circumstances, physicians making such charges might consider waiving them except in cases of real abuse or, if they feel the charges are justified, they should certainly work through their professional organizations to have the policy changed on the treatment of such charges by all of the various health insurance programs.

Report From Washington

EXTENSION OF REMARKS
OF

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, June 16, 1967

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of a June 1967 newsletter which is being mailed to constituents in Michigan.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

U.S. SENATOR BOB GRIFFIN REPORTS FROM WASHINGTON

OUR FIGHT FOR CLEAN AIR

There is "overwhelming evidence" that air pollution is linked to lung cancer, emphysema and other respiratory infections, according to a report by the Surgeon General's office.

Some startling statistics gathered by the U.S. Public Health Service indicate the scope of this growing peril:

135 million tons of airborne "garbage" scattered into the nation's atmosphere yearly.

$11 billion in property damage annually as pollutants corrode metals and machinery, deface buildings and spoil crops.

In the next 14 years, the nation is expected to burn as much gas and oil as it has consumed in the previous 107 years.

It's no wonder Congress is searching hard for better answers to the pollution problem. But the battle is so big that vigorous efforts are urgently needed on the part of private citizens as well as public agencies at all levels.

On the Federal level, I believe Congress should give antipollution forces much needed strength and incentive by passing a bill, which I have co-sponsored, to provide a 20-percent tax credit to those industries which install effective pollution control equipment.

Another method for cutting air pollution is receiving widespread attention. I refer to the growing demand for a practical electric car. I believe our recent Senate hearings on this subject have spurred auto and battery manufacturers to new heights in the efforts to make the modern-age electric car a reality.

In addition, there is encouraging news that private industry is now working harder than ever to develop a gasoline-powered engine that will be pollution free.

VIET NAM AND VANDENBERG

Michigan's Senator Arthur Vandenberg, Republican architect of non-partisan foreign policy, stood behind a Democratic President and declared, "Politics stops at the water's edge."

When I was in Vietnam a year ago, 260,000 U.S. troops were committed to battle. Now there are 500,000, and the number of Americans killed has passed the 10,000 mark.

The conflict in Viet Nam is a confused, bloody, expensive and unpopular labyrinth. Casualities have continued to mount—and so have criticisms of the Administration and its policies.

Of course, any American can dissent from Administration policy. The right to disagree is what America is all about.

However, I believe that in time of war Republicans have a high responsibility to leave politics at the water's edge. For the most part, the Viet Nam debate in Congress has served the national interest because it has been non-partisan.

When Governor Romney spoke on Viet Nam at Hartford, Connecticut, leaders in both parties hailed his words. In saying—

"Let us pursue with strength the just peace in South Viet Nam that our prayers should so earnestly seek, and that may yet be within our grasp.

"So doing, we can fulfill our role as the 'last best hope on earth. . . .'"

—Romney spoke in the Vandenberg tradition: not as a politician, but as a dedicated American.

IS VICTIM "FORGOTTEN MAN"?—CONGRESS ZEROES IN ON CRIME PROBLEM

At long last Congress is giving the problem of crime the national attention it so sorely demands. A comprehensive Crime Commission report issued in February has documented these shocking statistics:

In 1965, there was 9,850 intentional killings, 22,467 forcible rapes, 118,916 robberies, 206,661 aggravated assaults and 1,173,201 burglaries in the United States.

In addition, 762,352 larcenies and 486,568 motor vehicle thefts were committed.

Michigan has not been spared. Last year, in Detroit alone, 131,777 known offenses were committed—40 percent more than in 1965.

The Commission's report proclaims the great need to combat not only "crime in the streets" but also the intricacies of organized crime and the spreading disease of narcotics.

Following publication of the report, a flurry of anticrime legislation has been introduced in Congress. Included are such bills as:

The President's Safe Streets and Crime Control Act.

Measures to modify recent Supreme Court rulings on the use of confessions.

Bills to outlaw wiretapping.

Legislation to provide more assistance for state and local law enforcement agencies, such as for the education of officers and the purchase of modern equipment.

These measures are receiving Congressional study. However, I have also been concerned about the forgotten man in the crime picture. I refer to the crime victim.

I have introduced legislation to permit an income tax deduction for all medical expenses incurred as a result of a criminal act and for theft losses. In addition, my bill would allow a tax deduction of up to $300 for amounts invested by an individual for certain crime prevention devices, such as locks and burglar alarms.

Incidentally, although the Administration has not yet indicated support for my bill, the President's Commission said in its report that "the general principle of victim compensation . . . is sound."

TAX FAX

The average American taxpayer spends two hours and 25 minutes out of each eight-hour working day just earning enough money to pay his taxes, according to the Tax Foundation.

Or, to put it another way, if he has worked steadily all year, the average taxpayer finally began working for himself about April 21. All the money he earned until then goes to pay his taxes.

Incidentally, if you paid as much as $4,281 in Federal income tax last year, you may be interested to know that your "contribution" was just enough to keep the government running for . . . one second.

Government statisticians say it takes $4,281 to fuel the federal machine every second of every day in the year, based on a $135 billion budget for fiscal 1968.

HELP FOR HOME OWNERSHIP

I have joined Sen. Charles Percy of Illinois and 35 other Senators in sponsoring revolutionary new legislation designed to ease the housing crisis in our big cities.

The proposed National Home Ownership Foundation Act has been developed as a way to help lower income families who want to help themselves.

Under the plan:

Prospective home owners would be called upon to make a down payment in one of two ways, either by a modest financial outlay or in the form of personal labor.

The Federal Government would set up a foundation, guarantee debentures, provide seed money, make technical assistance available and help carry out training and education programs.

The local community and private enterprise would be working partners on the team.

The concept of home ownership is basic to the American way of life. In my view, realistic policies which encourage home ownership (such as FHA) have done more to combat communism in America than the FBI, the CIA and the Un-American Activities Committee, all rolled together.

SOCIAL SECURITY RED TAPE

"Surely eight months is too long to wait."

Such a comment is all too familiar in the flood of mail I have been receiving about slow processing of Social Security and medicare claims.

A student who applied for dependents' benefits complained that she had received no payments from the time of her filing, in September, 1966, until April, 1967.

One Michigan resident was not only eight

months behind in receiving reimbursement under medicare—but in the confusion, his Social Security retirement benefits were cut off and his wife started receiving widow's benefits.

Social Security is the major source of income for about one-half of the beneficiaries over 65. A delay of a month—or even a week—is a serious blow to those who have nowhere else to turn.

I have joined with several other Senators in calling for a Senate investigation to dig out the causes of such delays and to find ways for improving the administration of Social Security and medicare programs.

WHY TAX SOCIAL SECURITY BENEFITS?

When the Administration submitted its Social Security program to Congress, it included a proposal to tax Social Security and railroad retirement benefits. Such a move would penalize retirees by imposing double taxation on their efforts to build a retirement income. For this reason, I have joined Senator Everett Dirksen and others in sponsoring a resolution to declare that "Social Security and railroad retirement benefits shall not be made subject to Federal income taxes."

Irene Parsons Honored

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1967

Mr. TEAGUE of Texas. Mr. Speaker, we are very familiar with the phrase that "actions speak louder than words," and, regardless of how many words are issued on the equality of the sexes in employment, it takes firm action to see that these are implemented. Under the present administration these words have been transformed into actions, and we now have many high-ranking positions in the executive branch being administered successfully by women.

One of the most outstanding examples of women in Government is Miss Irene Parsons, the Assistant Administrator for Personnel of the Veterans' Administration. She has become a living example that efficiency and achievement are not limited to men.

Much recognition has been given to Miss Parsons for her outstanding Government work, but the old adage that a "prophet is not without honor save in his own country" went by the wayside on June 4 when Miss Parsons' alma mater extended outstanding recognition of her contributions by presenting her with an honorary doctor of laws degree.

In presenting the doctorate, Chancellor James S. Ferguson, of the university, had this to say:

Irene Parsons, the recognition of your administrative abilities, your superior achievements, and your outstanding service to the government of the United States has brought honor to North Carolina, your native state, and to the University of Greensboro, your Alma Mater. Your appointment by President Johnson in 1965 to the position of Assistant Administrator of the Veterans Administration—the highest personnel post in federal government held by a woman—acknowledged a unique record of accomplishment during an eighteen-year-long association with the federal government's third largest agency. Your consciousness of the equal rights of women and minority groups in matters of employment opportunity has been influential and has brought honor to you and to your agency. For distinction in government service, for a career accomplishment which is unique among women, and for an influential belief in equality of job opportunity, Miss Parsons, by vote of the Faculty and that of the Trustees of the University of North Carolina, I confer upon you the honorary degree of Doctor of Laws with all its rights and privileges.

Miss Parsons' contributions to Government serve as an incentive to all women throughout this country, proving that devotion to duty and preparation for service through study and experience are the prime prerequisites for accomplishment and success.

Miss Parsons has achieved many "firsts" in her career. She was the first woman to receive such a high personnel appointment directly from the President. On August 5, 1965, in a White House ceremony, President Johnson appointed Miss Parsons to her present position. It was the highest position ever held by a woman in the Veterans' Administration and the highest personnel position held by a woman in Government. The Veterans' Administration is the third largest Government agency, having 170,000 employes, 60,000 of which are women.

This appointment became a challenge to Miss Parsons. She attacked the problems of this high office with vigor and determination. The results of her administrative abilities, recognized prior to her appointment, verified the confidence exhibited by the President in her appointment. She has implemented procedures and has made the VA personnel operation one of the most successful in Government.

Her subsequent successes have served as the basis for proof that accomplishment is not restricted to any one sex. Her list of activities and accomplishments are numerous, proving that for those who aspire to success the door is open in America.

Miss Parson's appointment came about when the Administrator of Veterans' Affairs William J. Driver submitted her name to the President following a request for the names of outstanding career employees for consideration in the staffing of Presidential appointments.

Miss Parsons is a native of North Wilkesboro, N.C., and graduated from the University of North Carolina. She received a master of science degree in public administration from George Washington University in Washington, D.C. During World War II, she served with the Coast Guard, attaining the rank of lieutenant. She was employed by the Veterans' Administration in 1946, and progressively was given increasingly responsible positions. She has received many awards and commendations for the outstanding quality and effectiveness of her work, including the Federal Woman's Award as one of the outstanding women in Government in 1966. She is recognized as a strong influence for efficiency and economy in Government. Her personal efforts to advance equal employment opportunity have been cited as contributing greatly to the Veterans' Administration's exceptional accomplishments in these programs.

Miss Parsons is a member of the executive committee of the President's Study Group on Careers for Women, which was established by President Johnson on February 28, 1966.

It gives me great pleasure to commend this outstanding American woman for her achievements, and to congratulate her on receiving the doctor of laws degree of which she is so deserving from the University of North Carolina.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 19, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Bear ye one another's burdens and so fulfill the law of Christ.—Galatians 6: 2.

Eternal God, our Father, before the work of a new day begins we would be still in Thy presence and receive the benediction of Thy spirit. May the words of our mouths and the meditation of our hearts be acceptable in Thy sight O Lord—our strength and our Redeemer. Cleansed by Thy forgiving love, made stronger by Thy spirit, and becoming wise with Thy wisdom we would face the unfinished tasks committed to our care this day.

These are times which call for greater courage, higher wisdom, broader sympathy, and deeper faith. May they increasingly become ours as we wait upon Thee. In all our decisions and in all our doing may we keep our hearts confident, our spirits courageous, our minds clear, and our hands clean.

Together may we move forward to a greater day when men shall live together in good will and each one be ready to bear another's burden. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, June 16, 1967, was read and approved.

MESSAGE FROM THE SENATE

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1649. An act authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army.

The message also announced that the Senate agrees to the amendment of